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The Use of the Congressional Resolution as an Instrument of Influence over Foreign Policy: 1925–1950

Robert Lee Munkres

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THE USE OF THE CONGRESSIONAL RESOLUTION
AS AN INSTRUMENT OF INFLUENCE
OVER FOREIGN POLICY: 1925-1950

by

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THE USE OF THE CONGRESSIONAL RESOLUTION AS AN INSTRUMENT OF INFLUENCE OVER FOREIGN POLICY: 1925-1950

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CHAPTER I
INTRODUCTION

The formulation and successful operation of any foreign policy under a system of representative government necessarily entails interaction and cooperation between the executive and legislative branches of government. This is especially true under a constitutional system like that of the United States, which is characterized by the principle of the separation of powers and a system of checks and balances. Under such circumstances, the relationship between the executive and legislative branches of the government assumes a position of singular importance. A brief examination of the constitutional authority which is vested in each of the two branches in foreign affairs will illustrate this fact.

Constitutionally, the President is invested with considerable authority in the field of foreign relations. Such grants of authority are, however, broadly construed because the Constitution, in dealing with grants of power in respect of foreign affairs, "says relatively little of a specific nature and what it does say may be variously interpreted."¹ A brief listing of the President's authority will

¹R. C. Synder and E. S. Furniss, Jr., American Foreign Policy: Formulation, Principles, and Programs, p. 135.
illustrate its scope:

(1) Under the provisions of Article II, section 2 of the Constitution, the President has the power to negotiate treaties. The Supreme Court, in the Curtiss-Wright case, has declared that this is an exclusive power which neither the Senate nor Congress can share.²

(2) The President has the authority to appoint diplomatic personnel by and with the consent of the Senate (Article II, section 2) and the power to receive ambassadors and public ministers (Article II, section 3). Largely as a result of these grants of authority, the executive is generally regarded as also having the power of recognition. The exclusive nature of this power has been questioned on several occasions by the Congress; this problem will be discussed in a later chapter.

(3) Declarations of policy and interpretations of previous policy can be made by the President.³ In fact, only the President can officially notify foreign governments of United States policy decisions, since he possesses "exclusive power . . . as the sole organ of the Federal Government in the field of international relations—a power which does not

³Synder and Furniss, op. cit., p. 148.
require as a basis for its exercise an act of Congress..."

(4) Additional authority may be vested in the President by special statutes. The Reciprocal Trade Agreements Act (1954), the Greek-Turkish Aid Bill (1947), the Foreign Relief Act (1948), and the Mutual Aid Bill (1951) are examples of this type of grant of authority in the form of the right to make executive agreements.

(5) By virtue of the grant of power in Article II, section 2 of the Constitution, the President is the commander-in-chief of the armed forces of the United States. This matter will be dealt with more fully in a later chapter. It is sufficient to point out here that, while Congress has attempted to exert authority over the use of troops in peacetime, the more general opinion is that "none of these approving procedures is legally necessary, whatever may be deemed good politics in a specific situation." The authority of the President to use the armed forces in the absence of Congressional authorization or declaration of war for the purpose of protecting American lives and property has been questioned only once in the courts, and the Presidential authority was sustained. The authority of the President to "perform functions required or authorized by international

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4United States vs. Curtiss-Wright Export Corporation, cited above.
5Synder and Furniss, op. cit., p. 148.
6Ibid., p. 151.
7Durand v. Hollins, 4 Blatchford 451 (1860).
law, notably the occupation of a defeated enemy nation," has also been upheld by the courts. This power was sustained in *Cross v. Harrison*.  

(6) The Chief Executive can conclude "executive agreements" with or without prior approval or authorization by Congress and such agreements are as binding as treaties. Such agreements have virtually the same legal effect as treaties under both constitutional and international law. (This statement is based upon the decision of the Supreme Court in *United States v. Belmont*.)  

Congress is, however, not without constitutional authority in the field of foreign affairs. Under the provisions of Article I, section 8 of the Constitution, Congress is empowered "to provide for the common defense", "to raise and support armies", "to provide and maintain a navy", "to make rules for the government and regulation of the land and naval forces", "to regulate commerce with foreign nations", and is required to review military appropriations every two years. Perhaps the most important grant of Congressional authority is found in Article I, section 1—the vesting of "all legislative powers" in the Congress. The appropriation

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9 16 Howard 164 (1853).
10 301 U.S. 324 (1937).
power, which is an outgrowth of this general grant, provides Congress with its most powerful and direct means of exerting influence in foreign affairs. It also means, of course, that only Congress can enact supporting legislation for non-self-executing treaties and agreements. The "advice and consent" of the Senate must be granted by a two-thirds vote in respect of treaties, and that body must also approve of all regular diplomatic appointments.11

For the most part, however, "such power as Congress has in foreign affairs is largely negative."12 Congress possesses "formidable powers to supervise, direct, and check the foreign-policy initiative logically assigned to the Executive Branch of the government", but cannot "as a structural division of American government, . . . directly make decisions in this area."13 A number of factors work to the disadvantage of Congress in the determination of foreign policy, among the more important of which are the increasing amount of legislative business with which Congress must deal, the difficulty of securing pertinent and necessary information, and the fact that the organization of Congress virtually precludes speedy action.14

The present method of electing the President and the

11 Article II, section 2.
12 L. H. Chamberlain and R. C. Synder, American Foreign Policy, p. 89.
13 E. S. Furniss, Jr. and R. C. Synder, An Introduction to American Foreign Policy, pp. 210-211.
14 Ibid., pp. 211-212.
two houses of Congress is also of importance in regard to the relationship between the two branches of government. The President and the majority of the Congress may be of different political parties, in which case competition between the two branches is even more likely than usual. While a clearcut "mandate" regarding foreign policy can rarely, if ever, be discerned in election returns, since both the President and the Congress are elected by popular vote, both may attempt to lay claim to whatever "mandate" exists, and either branch feels relatively safe in maintaining that "popular opinion" supports its particular point of view. It is true that the President occupies a somewhat superior position in respect of attempts to influence public opinion, but the advantage derived from this position generally is not strong enough to allow him to manipulate the legislative branch or to force political acceptance of his views. The net result of such a system appears to be the existence of varying degrees of conflict and cooperation as an inherent part of the legislative-executive relationship in the field of foreign policy.

Discussion of several historical incidents will serve to illustrate the fact that the legislative-executive relationship is characterized by both cooperation and conflict. In their book, *American Foreign Policy and the Separation of Powers*, D. S. Cheever and H. F. Haviland, Jr. have divided the history of United States foreign relations into three periods—1789-1829, 1829-1898, and 1898 to the present. During the first of these three periods foreign affairs were
of more importance, relatively, than were domestic issues and the period was characterized by presidential initiative in foreign policy. From 1829 to 1898, with the exception of the period of the Civil War, domestic issues came to the fore and a greater share of governmental leadership was assumed by the Congress. Since 1898, foreign affairs have become increasingly important and complex; the result has been a shift of power and influence back to the Chief Executive, not, of course, without challenge from the two houses of Congress.  

During the first 40 years of the new republic both Congress and the President exercised their authority in foreign affairs, sometimes harmoniously and sometimes not. In 1795 President Washington issued a proclamation of neutrality; the following year Congress enacted a law regarding neutrality. In negotiating a treaty with Algeria, President Washington pointed out that Congress as a whole, not the Senate alone, in spite of its constitutional function in regard to treaties, must appropriate money with which to implement foreign policy, thus indicating recognition of the fact that the cooperation of Congress was needed in many phases of foreign policy. In 1824, an election year, a treaty which had been negotiated with Great Britain for the purpose of pro-
hibiting the slave trade was submitted to the Senate for that body's "advice and consent". Political opponents of President Adams in the Senate sought to discredit him by adding amendments to the treaty after it had been signed by the British; those amendments proved unacceptable to the British. 17

The focus of governmental attention from 1829 to 1898 was primarily on domestic rather than foreign issues, although foreign affairs were by no means without considerable importance on several occasions. In 1844 President Tyler sent to the Senate, along with a message urging favorable action, a treaty for the annexation of Texas. The treaty was defeated; Mr. Tyler then submitted the defeated measure to the House, a step never before taken by the Executive, in the hope of accomplishing his purpose by joint resolution. Action was deferred until after the election of 1845; after the election of Polk, which was interpreted as a favorable vote for annexation, the House passed the resolution in January, 1845. The Senate Foreign Relations Committee, obviously concerned over the intrusion of the House into foreign affairs, reported the measure unfavorably. After attaching several face-saving amendments, however, the Senate adopted the resolution in February. 18

17 Ibid., p. 47.
18 Ibid., p. 49.
One year later, in 1846, President Polk concluded a
 treaty with Great Britain concerning the Oregon territory. 
In contrast to Tyler's circumvention of the Senate's treaty-
making authority, Polk consulted the Senate prior to negotia-
tions; the upper house thus voted once to advise the signing 
of the treaty and a second time to render its consent to 
that action. 19 During this period, generally, "the President 
and Congress frequently worked at cross-purposes . . . and 
. . . Presidents and Secretaries of State were frequently 
embarrassed by Congressional behavior over which they had 
little control." 20

Since 1898, foreign affairs have been the dominant
issue of the day quite frequently, with a resulting, although
not unopposed, increase in presidential authority. One of
the truly "great debates" of United States history occurred 
between 1918 and 1920 regarding the Treaty of Versailles 
and continued, in respect of the World Court, until 1935. 
This matter is illustrative to a high degree of the result 
of legislative-executive antagonism in foreign affairs.
While it obviously is not true that the separation of powers 
caused the bitter inter-branch dispute, it seems quite 
clear that the system, far from ameliorating such antagonism, 
encouraged it. A detailed description of the many events 
connected with the negotiation of the treaty and of Senate

19Ibid.
20Ibid., p. 55.
action on that document is not necessary here. Suffice it to say, with the benefit of hindsight, that President Wilson seems to have committed several errors of judgment: (1) in calling for the election of a Democratic Congress in 1918, Mr. Wilson severely damaged any effort for the necessary bipartisan support in the Senate; (2) effective legislative-executive liaison on this matter was lacking, although this lack certainly cannot be considered entirely the responsibility of Mr. Wilson; and (3) failure to appoint a Congressional leader as a member of the United States delegation to the Peace Conference, along with other factors, resulted in a lack of contact between Congress and the delegation. All of these adverse factors were made worse by the "almost pathological antagonism on the part of Lodge and Roosevelt toward Wilson." The question of the World Court will be covered in a later chapter.

In striking contrast to executive-legislative relationships concerning the Treaty of Versailles and the Covenant of the League of Nations, the formulation and adoption of the United Nations Charter serves as one of the best examples of close cooperation between the two branches. Informal conversations dealing with post-war policy were carried on late in 1918, but it soon became apparent that such ad hoc conversations were not enough. In February, 1919, the Advisory Committee on Postwar Foreign Policy, composed of

21 Ibid., pp. 68-79, 80.
State Department officials and private experts, was established, and in May of that year Democrat Tom Connally and Republican Warren Austin were added to the Committee membership. Later, several other Senators and Representatives of both parties were added to the group. In 1943, after very frequent negotiations between the two houses, the House passed the Fulbright Resolution and the Senate approved the Connally Resolution. Both of these measures urged the creation of an international organization in which the United States would participate. The next important step in the process was the firm agreement by both parties that the legislative-executive discussion concerning the United Nations should be strictly nonpartisan in nature. In the election campaign of 1944, both party platforms favored an international organization, and an agreement was reached that discussion of the United Nations in campaign speeches would be on a nonpartisan basis. The final step in legislative-executive cooperation was direct Congressional participation in formulating and approving the Charter. In addition to the Congressmen serving on the Advisory Committee, Secretary of State Hull asked the Senate Foreign Relations Committee to appoint four Democrats and four Republicans to a Committee of Eight to consult with him on the Charter. This group held its first meeting on April 25, 1944. On June 2, 1944, Secretary Hull met with leaders of the House of Representatives of both parties and conferred with them on substantially the same subjects discussed with the Committee of Eight. When the
San Francisco Conference met, two Senators, Connally and Vandenberg, and two Representatives, Bloom and Eaton, were appointed as United States delegates to the Conference. On August 8, 1945, the Senate approved the United Nations Charter by a vote of 89 to 2.\textsuperscript{22}

The selected incidents discussed above, of course, constitute only a small portion of the many issues which have arisen in regard to foreign affairs in the history of the United States. They illustrate, however, the absolute necessity of legislative-executive cooperation in order to offset the inherent weakness of a system of separation of powers in the field of foreign policy. They show too that cooperation has not always been possible.

In a study of the relationship between the President and Congress in foreign affairs, the second quarter of the 20th century offers several advantages. During this period the political composition of the Congress and the political affiliation of the executive reflect most of the relationships possible between the two branches, that is (1) situations in which the President and the majority of Congress are of the same party, and, (2) situations in which the President and the majority of Congress are of different parties. In addition, each of the two major political parties held a majority of the Congress for a portion of the period covered by this study; Republican Presidents held office from 1925 until March, 1933, and Democrats headed the executive branch

\textsuperscript{22}\textit{Ibid.}, pp. 100-106.
from that date until January, 1951, which date marks the end of the period being considered.

Indeed, for any study dealing with one or more of the many facets of the foreign policy of the United States, the period 1925-1950 would seem to be of special significance. During this quarter-century the United States rose, albeit unwillingly at times, to a position of world leadership unparalleled in its history although, of course, the antecedents of this development may be traced further back. This period was marked, initially, by an attempt on the part of the United States to return to a position of detachment in world affairs approximating the one it occupied prior to World War I, and it closed with the United States occupying one of the two major power positions in a bi-polarized world, a position which is almost unanimously recognized and accepted. It would seem to follow, then, that during this period, foreign policy assumed a position of increasing importance. If this premise be accepted, attempts by Congress to exercise influence upon such policy might be expected to have a basic significance to American foreign relations, and perhaps to have been increasingly frequent.

One of the instruments which the Congress utilizes in attempting to exert an influence in foreign affairs is the resolution. While it must be admitted that the use of resolutions might be made more effective in the future, they are, nevertheless, "perhaps the chief affirmative tool avail-
able to Congress" in respect of international policy.\textsuperscript{23} Resolutions, which generally are Congressional in origin, can be used by the legislative branch for several purposes. They can be used to give something approximating advance support or warning to the executive branch or to a foreign government regarding any proposed international policy. Expressions of the opinion of one or both of the houses of Congress respecting the substance of a present policy or the way in which such a policy is being administered are often embodied in congressional resolutions.\textsuperscript{24} Individual Senators or Representatives may attempt to initiate policy, or to bring about the initiation of a policy which they favor, by introducing resolutions urging or directing the Chief Executive to follow a given course of action.

In addition to resolutions which are clearly directed at initiating or influencing a given policy, this instrument may be used for several other purposes. Requests for information and authorization for congressional investigations in the field of foreign affairs frequently are embodied in congressional resolutions. The implementation of such measures may, of course, result in the acquisition of information which can be used by Congress in an attempt to influence foreign policy, but such resolutions themselves rarely spell out a new policy which the legislative branch wishes to have

\textsuperscript{23}E. S. Griffith, Congress, Its Contemporary Role, p. 95.

\textsuperscript{24}Ibid., pp. 95-96.
initiated or suggested revisions of contemporary policy. The congressional resolution may also be used to embarrass the administration in its conduct of foreign policy. Requests for information and congressional investigations are, at least potentially, of particular use in this respect since an investigation or compliance with a request for information may very well bring to light facts which can cause the Executive a good deal of political discomfiture. It is well established, however, that resolutions are not legally binding upon the President, but "they may, however, exert genuine influence and for this reason the congressional resolution remains at all times a source of potential leverage."  

As a basis for this study concurrent and simple resolutions only have been considered, thus eliminating joint resolutions. The latter have a status virtually equivalent to that of a statute. On the other hand, concurrent resolutions merely express "facts, principles, opinions, and purposes of the two Houses," and simple resolutions deal "with the affairs of one House only." Moreover, concurrent resolutions "are not used to enact legislation and are not binding or of legal effect".  

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resolution is likewise subject to the same limitations.

In general usage, a concurrent resolution is considered to express Congressional authority as opposed to that of the Government as a whole and, as such, again in practice, does not require the signature of the President. It has been argued by some legal authorities, however, that there are types of concurrent resolutions which should require Presidential approval.\(^\text{28}\) If this minority point of view were adopted, however, it seems certain that legal and constitutional complications would ensue as to the status of the concurrent resolution. The probability of such a dispute no doubt has contributed to the maintenance of the present practice, that is, of considering formal Presidential approval of concurrent resolutions unnecessary.

The procedure followed in the consideration and passage, or rejection, of resolutions is, in general, the same as that utilized in the consideration of any legislative measure. As with legislative measures, resolutions upon which final action has not been taken die with the Congress and must be reintroduced during a session of a subsequent Congress if they are to be considered again.\(^\text{29}\)

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\(^{28}\)Ibid.

\(^{29}\)While this aspect of procedure is not specifically stated in the rules of either the Senate or the House, it would seem to be clearly implied in the rules below. Senate Manual containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate, Prepared by Gordon F. Harrison and Darrell St. Claire under the direction of the Senate Committee on Rules and Adminis-

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One additional point of procedure should be mentioned.

In the Senate a resolution may be sponsored by any number of Senators, whereas, in the House, each resolution is sponsored by one Representative only. This means, of course, that in any given session of a Congress an appreciable number of identically worded resolutions may be introduced in the House, while in the Senate there would be but one resolution introduced under the co-sponsorship of several

*tration Eighty-Fourth Congress. Rule XXXII: "At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be re-

sumed and proceeded with in the same manner as if no adjourn-
ment of the Senate had taken place; and all papers referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next suc-
ceeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred. (Jefferson's Manual, Sec. LI.)", p. 46.


"All business before committees of the House at the end of one session shall be resumed at the commencement of the next ses-

sion of the same Congress in the same manner as if no adjourn-
ment had taken place." p. 471. Section LI of Jefferson's Manual, on page 261, describes the practice of the British Parliament in respect of this question. The following foot-

note from page 471 of this source indicates the manner in which the British practice has been altered in Congressional procedure. "At first the Congress had attempted to follow

the rule of the English Parliament that business unfinished in one session should begin anew at the next; but in 1818, after an investigation of a joint committee in 1816, a rule was adopted that House bills remaining undetermined in the House should be continued at the next session after six days. This rule did not reach House bills sent to the Senate; but in 1848 the two Houses remedied this omission by a joint rule. Business referred to committees of the House was still subject to the old rule of Parliament; but in 1860 the present rule was adopted as a supplement to the rule of 1818. In
In compiling the list of resolutions to be used as the basis for this study, those resolutions were included which seem to have had a direct bearing upon some past, present, or proposed foreign policy of the United States, as opposed to those which merely impinged, directly or indirectly, upon the broader field of foreign affairs. Some of the types of resolutions which have been included are:

(1) Resolutions requesting the President to take a particular action in regard to a specific problem in foreign affairs;  

(2) Resolutions which express the opinion of one or both of the houses of Congress in respect of a particular issue;  

(3) Resolutions requesting that information be sent to one or both of the houses of Congress by the Chief Executive or by a member of the executive branch of the government;

1890, desiring to do away with the limitation of the six days and apparently overlooking the main purpose of the rule of 1818, the House rescinded that portion of this rule which dated from 1818. Also, in 1876, the joint rules were abrogated, leaving no provision, except the headline of the rule, for the continuance of business not before committees. The practice, however, had become so well established that no question has ever been raised.

An example of this type of resolution is S. Res. 44, 70th Congress, 1st Session: "Declaring that the Senate favors recognition of the present Soviet Government of Russia."

An example of this type of resolution is S. Res. 266, 72nd Congress, 1st Session: "Requesting information from the President concerning a reported willingness on the part of the United States to consider further reductions in foreign debts."
(4) Resolutions authorizing investigations related to foreign affairs. 33

Resolutions expressing the opinion of one or both houses of Congress in respect of conditions or incidents in other countries which, in some cases, were not directly related to an expressed policy of the United States but which might, nevertheless, affect American relationships abroad, have also been included. 34

In addition to the resolutions excluded by the application of the above-mentioned criteria, other resolutions pertaining to two major subjects arbitrarily have also been ruled out, those relating to the tariff and immigration. 35 Resolutions related to these categories, however, were included if a direct reference were made to the negotiation

33An example of this type of resolution is S. Res. 21, 73rd Congress, 1st Session: "To investigate conditions in Soviet Russia with respect to recognition of the Government of that country."

34The following resolutions exemplify the type included in this category. H. Res. 699, 79th Congress, 2nd Session: "Relative to the Jewish national home in Palestine." H. Con. Res. 19, 80th Congress, 1st Session: "To express the sense of the Congress with respect to the conduct of the recent elections in Poland." S. Con. Res. 85, 81st Congress, 2nd Session: "Relating to resettlement of the surplus population in Western Germany."

35The following resolutions illustrate these categories. S. Res. 295, 71st Congress, 2nd Session: "Directing the Tariff Commission to investigate the difference in the cost of production of certain domestic and foreign articles." H. Res. 483, 75th Congress, 3rd Session: "Authorizing the Committee on Immigration and Naturalization to make a thorough study of need for revision and separate codifications of laws relating to immigration, deportation, naturalization, and expatriation."
of agreements between the United States and another govern-
ment, or if such resolutions were directly relevant to some
form of international agreement or organization.

On the basis of the criteria stated above several gen-
eral categories of resolutions were not considered, the
more important ones being: (1) Resolutions calling for an
investigation of national defense policy or of military
policy, unless such investigation was directly related to
foreign policy;\(^{36}\) (2) Resolutions prohibiting partici-
pation in elections by parties advocating the overthrow of
the United States Government;\(^{37}\) (3) Resolutions author-
izing, or calling for, investigations of subversive activity
and propaganda, unless a direct link between such activity
and some foreign party or government was clearly indicated;\(^{38}\)
(4) Resolutions merely authorizing the creation of a com-
mittee, unless the resolution indicated the specific purpose
for which the committee was created;\(^{39}\) (5) Resolutions

\(^{36}\) For example, S. Con. Res. 46, 76th Congress, 3rd
Session: "Creating a special joint committee to formulate
a military policy for the United States;" and H. Con. Res. 90,
76th Congress, 3rd Session: "Providing for safe-guarding
the national defense of the United States."

\(^{37}\) For example, H. Con. Res. 55, 75th Congress,
3rd Session: "Recommending that any parties or organizations
advocating overthrow of the United States Government be pro-
hibited from entering candidates in any State or national
elections."

\(^{38}\) For example, H. Res. 282, 75th Congress, 3rd
Session: "Providing for a special committee to investigate un-American
propaganda."

\(^{39}\) For example, H. Con. Res. 79, 76th Congress, 3rd
Session: "Establishing a Joint Committee on National Defense and
authorizing standing committees to investigate all matters within their jurisdiction;\(^4^0\) (6) Resolutions continuing a committee’s authority or authorizing a committee to have its report printed;\(^4^1\) (7) Resolutions providing for the expenses of investigations previously authorized.\(^4^2\)

It has been pointed out previously that one author believes the congressional resolution to be "perhaps the chief affirmative tool available to Congress in respect of foreign affairs."\(^4^3\) This opinion is shared by L. H. Chamberlain and R. C. Snyder, who point out that the resolution is

Foreign Policy;" and H. Res. 64, 77th Congress, 1st Session: "creating a select committee of the House of Representatives to be known as the Committee on Peace."

\(^4^0\) For example, H. Res. 315, 79th Congress, 1st Session: "Authorizing the Committee on Foreign Affairs to conduct thorough studies and investigations of all matters coming within the jurisdiction of such committee."

\(^4^1\) For example, S. Res. 329, 70th Congress, 2nd Session: "To continue until the end of the first regular session of the 71st Congress S. Res. 291" which called for an investigation of the "illegal delivery to private interests of lands ceded to the U. S. by the Government of Mexico"; and S. Con. Res. 12, 72nd Congress, 1st Session: "To authorize the Committee on Finance to have printed additional copies of the hearings on Sale of Foreign Bonds or Securities in the U. S."

\(^4^2\) For example, H. Res. 250, 71st Congress, 2nd Session: "Appropriating a sum not to exceed $25,000 for the investigation of communist propaganda in the U. S." In addition to the examples already cited, the following resolutions further illustrate categories of resolutions which have not been considered. S. Res. 110, 81st Congress, 1st Session: "Extending an invitation of the Senate to the International Olympic Committee to hold the 1956 Olympic Winter Games at Lake Placid, N. Y.". S. Res. 287, 81st Congress, 2nd Session: "Extending best wishes to the members of the Italian-American World War II Veterans on the occasion of holding their 1950 national convention in Rome.". H. Res. 496, 81st Congress, 2nd Session: "Designating Thursday, April 6, 1950 for the celebration of Pan-American Day."

\(^4^3\) Griffith, op. cit., p. 95.
perhaps the "most important" of the positive weapons through
the use of which Congress attempts to influence foreign
policy.\textsuperscript{44} Many other authors, such as J. M. Mathews, E. S.
Furniss, E. L. Plischke, and F. M. Riddick, discuss the
congressional resolution and, either directly or by impli-
cation, point out its potential importance in the field of
foreign affairs. Such authors frequently use selected
resolutions to demonstrate the manner in which this instru-
ment has been used. No study has been made, however, which
deals specifically with the extent to which the resolution
has actually been used, and how effective its use has been,
as an instrument to influence foreign policy. One purpose
of this paper is to study the resolution from this point of
view, for the period from 1925 to 1950.

In dealing with this broad problem several different
approaches will be used. Since the period under study is one
which is marked by the growing importance of foreign affairs
in the United States governmental policy, one might logically
expect to find that the use of the congressional resolution
has increased during the 26-year period, both in terms of
number introduced and number passed; this subject will be
examined. In the next, and several subsequent chapters, the
records of the two houses will be compared to determine, among
other things, (1) whether the Senate, because of its direct
constitutional connection with foreign policy, has been
either more or less active than the House in respect of using

\textsuperscript{44} Chamberlain and Synder, \textit{op. cit.}, p. 89.
the congressional resolution, and (2) whether the fact that many foreign commitments today entail an expenditure of funds has resulted in an increased interest in foreign affairs in the House, as reflected by the use of congressional resolutions.

A comparison will be made of the records of the two major political parties in an attempt to determine whether the members of the party in Congress which is politically opposed to the President introduces resolutions more frequently than do the members of the party of which the President is a member. Since the resolution may be used to embarrass the Executive, it might be expected that such would be the case.

Finally, the resolutions initiated between 1925 and 1950 will be considered from the point of view of some of the more important subjects with which they have dealt and on the basis of the purpose of the resolutions. In regard to the latter approach, the resolutions will be classified in five categories: (1) direct requests for executive action; (2) requests for information; (3) expression of congressional opinion; (4) authorization of congressional investigations; and (5) resolutions which "relate" or "pertain" to an issue. In all instances, the records of the two houses will be compared.

The next chapter will deal with a general analysis of the entire 26-year period. It will be concerned primarily with the question as to the extent to which the congressional resolution was used during the period under consideration.
and as to whether the use of this instrument in respect of foreign affairs has increased at any time during the same period.
CHAPTER II
GENERAL ANALYSIS OF THE PERIOD

Resolutions Adopted

During the twenty-five year period under consideration a substantial number of resolutions on foreign policy were introduced by the members of the Congress, 1,157 to be exact; a relatively small number, 113, were brought successfully through the obstacle course of committees and debates to final acceptance. A further breakdown of these figures shows that 488 concurrent resolutions were introduced, as opposed to 669 simple resolutions. The number of simple resolutions adopted far surpassed that of concurrent resolutions, 91 of the former being passed and 22 of the latter. The figure given for the number of concurrent resolutions passed must be qualified, however, as it represents the number approved by one house only, the house of origin. Of the total of 22, only 15 concurrent resolutions passed both houses.¹ It is apparent that the majority of concurrent resolutions which passed one house were approved by the second house. This indicates that

¹It should be noted, however, that in four instances the second house accepted a concurrent resolution originating in the other house in lieu of one initiated by itself; each house took such action twice.
securing approval for a concurrent resolution in the house of origin has been more difficult than getting it through the other house.\(^2\)

It is interesting and important to note that a comparatively small number of resolutions were rejected, a total of 75.\(^3\) This total includes 5 concurrent resolutions and 70 simple resolutions, though it should be mentioned that 3 additional concurrent resolutions were indefinitely postponed or tabled because similar resolutions from the other house were passed in lieu of them.\(^4\) These figures support the conclusion that the majority, by a substantial margin, of the resolutions introduced have been sent to committee where they

\(^2\)The figures presented in this and subsequent chapters are based on the charts which may be found at the end of the chapters. The charts themselves are based upon material gathered from the History of Bills and Resolutions which is published, as a part of the Congressional Record, for each session of Congress. Other factual material in this and the three following chapters has also been obtained from this source unless otherwise footnoted. The volumes used for this study include those published for the 68th Congress, 2nd Session, December 1, 1923, to March 4, 1925, through the 81st Congress, 2nd Session, January 3, 1950, to January 2, 1951.

\(^3\)In arriving at this figure those resolutions were included which were rejected outright, indefinitely postponed, reported adversely and laid on the table, and laid on the table.

\(^4\)The apparent discrepancy between this figure and that given in discussing the number of times the second house had adopted a concurrent resolution originating in the other house in lieu of one initiated by itself is explained by the fact that, in one instance, the house accepted a Senate Concurrent Resolution without taking any specific action to reject or indefinitely postpone its own concurrent resolution.
have been allowed to die with the adjournment of a Congress. This fact gives rise to the question as to whether or not many resolutions are introduced primarily for reasons other than attempting to influence foreign policy. One such reason conceivably could be the desire of a Representative or Senator to "hedge" a bit on questions of foreign policy; a second possible reason might be a desire on the part of a member of the Congress to satisfy certain opinions or prejudices of his constituents.5

It has already been explained that more simple resolutions were introduced than concurrent resolutions and, likewise,

5Such resolutions as the following may be suspected of falling in this category: Resolution introduced by Mr. La-Guardia of New York, "Protesting against the persecution of the Jewish race in Rumania" (H. Res. 57; 70th Congress; 1st Session); Resolution introduced by Mr. Neely of West Virginia, "Expressing sympathy for the Jewish people of Germany because of their persecution by the Nazi administration" (S. Res. 103; 73rd Congress; 1st Session); Resolution introduced by Mr. Doolinger of New York, "Favoring the embracing within the Republic of Ireland of all the territory of that country" (H. Res. 529; 81st Congress; 2nd Session); Resolution introduced by Mr. Fogarty of Rhode Island, "Favoring the unification of Ireland" (H. Res. 691; 81st Congress; 2nd Session). It is evident that resolutions such as the foregoing may well have been designed so as to appeal to the national racial groups in the sponsor's constituency. Special note may be taken of a resolution introduced by Mr. Blaine of Wisconsin, "Deploping the treatment of the people of India by Great Britain" (S. Res. 326; 71st Congress; 2nd Session). While this resolution is not directed specifically at a national group, "twisting the lion's tail" has not completely lost its value as a political instrument. Rather similar is a concurrent resolution introduced by Mr. Fish of New York, "Protesting against religious persecutions in Soviet Russia" (H. Con. Res. 20; 71st Congress; 2nd Session). Protests against religious persecution are apt to be received quite favorably in a constituency which includes strong religious groups.
that a greater number of the former were passed. On the surface it would seem that the procedural factor would go far to explain the discrepancy between the figures. More difficulty would be expected in securing the approval of both houses to a resolution than in securing the approval of one house only. In view of the fact that only 7 of the 22 concurrent resolutions which were passed by one house failed to secure the approval of the second house, however, the procedural factor turns out to be far less significant than would be expected.

No concrete evidence is available which would explain or account for the fact that approximately two-thirds of the concurrent resolutions which were approved in the house of origin subsequently were passed by the second house. The fact that 11 of the 15 concurrent resolutions passed by both houses dealt with relatively unimportant matters, clearly shows that the Congress has used this instrument very infrequently for the purpose of expressing a joint opinion.  

6The following are all of the concurrent resolutions which were passed by both houses during the 26 year period covered by this study: (1) "Expressing the approval by the United States Congress of the proposed international project to erect a memorial at Santo Domingo, Dominican Republic, to Christopher Columbus." (H. Con. Res. 41, 69th Congress, 2nd Session); (2) "Providing for a welcome to the King and Queen of Great Britain on the occasion of their visit to the Capitol on June 9, 1939." (S. Con. Res. 17, 76th Congress, 1st Session); (3) "Extending the thanks of Congress to the Senate and Chamber of Deputies of the Republic of Mexico for certain courtesies extended." (S. Con. Res. 18, 77th Congress, 1st Session); (4) "Acknowledging the felicitations of the Congress of Costa Rica." (H. Con. Res. 29, 77th Congress, 1st Session); (5) "Expressing to the National Assembly and people of the Republic of Panama appreciation of their friend-
This may reflect a feeling on the part of Congress that the more important issues should be dealt with by each house individually through the use of simple resolutions.

RECORD OF THE TWO HOUSES COMPARED

Over-all totals indicate that the Senate possesses a more imposing record than the House on the ratio of resolutions passed to those introduced as well as in respect to the former category considered alone. During this period 365 resolutions were initiated in the House of Representatives and 51 were passed. These figures must be qualified to a certain extent, however, in view of a procedural fact noted in the introductory chapter concerning co-sponsorship of resolutions in

ship for the United States." (S. Con. Res. 5, 78th Congress, 1st Session); (6) "Condemning outrages inflicted upon civilians in the Nazi-occupied countries and favoring punishment of persons responsible therefor." (S. Con. Res. 9, 78th Congress, 1st Session); (7) "Accepting an invitation to have four members of each of the Senate and House of Representatives attend a meeting of the Canada Branch of the Empire Parliamentary Association at Ottawa, Canada, June 26 to July 1, 1943." (S. Con. Res. 14, 78th Congress, 1st Session); (8) "Favoring international freedom of the press." (S. Con. Res. 53, 78th Congress, 2nd Session); (9) "Felicitating the Republic of Iceland." (H. Con. Res. 91, 78th Congress, 2nd Session); (10) "Relative to the opening of Palestine for free entry of Jews." (S. Con. Res. 14, 79th Congress, 1st Session); (11) "United Nations invited to locate seat of government in the United States." (H. Con. Res. 75, 79th Congress, 1st Session); (12) "Relative to representation of the Congress at a meeting of the Empire Parliamentary Association at Bermuda in June 1946." (S. Con. Res. 58, 79th Congress, 2nd Session); (13) "Relative to representation of the Congress at a meeting of the Empire Parliamentary Association at Bermuda in December 1947." (80th Congress, 1st Session); (14) "Accepting the invitation to attend the meeting of the Empire Parliamentary Association in Bermuda." (H. Con. Res. 201, 80th Congress, 2nd Session); (15) "Authorizing the appointment of a committee to attend the general meeting of the Commonwealth Parliamentary Association to be held in Australia or New Zealand." (S. Con. Res. 105, 81st Congress, 2nd Session).
the Senate and the lack of that device in the House. In order to present a more accurate comparison between the records of the two houses it would appear necessary to count groups of identically worded resolutions introduced in the House of Representatives during the life of a Congress as only one resolution. The revised total, arrived at in the manner just described, for resolutions introduced in the House is 564. This revision of figures does not, however, alter the general conclusion that the record of the Senate is somewhat better than that of the House in this respect.

In the matter of concurrent resolutions, the discrepancy between the records of the two houses is somewhat more apparent. The Senate passed 12 out of 72 concurrent resolutions, contrasting with favorable action on 10 out of 416 such resolutions in the House. Of the 12 concurrent resolutions which were passed by the Senate, 9 were accepted by the House; the House of Representatives passed 10 concurrent resolutions, 6 of which were later concurred in by the Senate. The Senate rejected 3 concurrent resolution outright and the House took similar action on 2 resolutions. The records of the two houses are more nearly alike in respect of simple resolutions, although the record of the

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710 out of 235 on the basis of the revised totals.

8As already noted, in addition to these 5 concurrent resolutions, the Senate indefinitely postponed 2 other resolutions, passing House Concurrent Resolutions in lieu of them; the House acted in the same manner on one resolution.
Senate still indicates a somewhat greater use of the congressional resolution. The Senate passed 50 out of 293 simple resolutions; the House took favorable action on 41 out of 376 simple resolutions. The Senate rejected 37 simple resolutions outright and its sponsor withdrew one resolution. The House acted adversely on 33 simple resolutions.

In general, it appears that in the use of resolutions in foreign affairs, the record of the Senate is somewhat more impressive than that of the House. Further evidence of this is seen in the fact that the Senate actually considered and took final action, either favorable or adverse, on more resolutions than did the House. The Senate took final action on a total of 102 resolutions, of which 15 were concurrent resolutions and 87 were simple resolutions. The House took favorable action on 86 resolutions, including 12 concurrent resolutions and 74 simple resolutions. The record of the House is more impressive than that of the Senate in only one category—favorable action on concurrent resolutions previously passed by the other house. As already noted, the

9,49 on the basis of revised totals.

These figures were obtained by adding the number of resolutions passed to the number rejected outright by each house. The concurrent resolutions which each house indefinitely postponed, passing a concurrent resolution initiated by the other house in lieu of them, have not been included. In addition, concurrent resolutions which were accepted by the second house after passage in the first have not been included.
House accepted 9 concurrent resolutions which originated in the Senate, while the upper house acted favorably on only 6 concurrent resolutions which were initiated in the House.

TRENDS

Several trends are apparent during the period under consideration. On the basis of over-all totals, a decided increase in resolutions introduced is noticeable, along with a somewhat smaller increase in the number of resolutions passed. In the period from December 1, 1924, to August 5, 1939, a total of 370 resolutions were introduced and 47 were passed; from November 1, 1939, to January 2, 1951, the number of resolutions introduced almost doubled, reaching a total of 787, with 66 resolutions being passed.

A breakdown of these totals on the basis of simple and concurrent resolutions introduced into and passed by each house indicates clearly that increased activity in the House accounts almost entirely for the over-all increase. The chart on the following page embodies such a breakdown.

The use of concurrent resolutions sharply increased after the start of World War II and this increase continued during the post-war period. The latter period will be dealt with in more detail below. The problems connected with the waging of World War II and the international issues which inevitably followed the conclusion of hostilities account generally for the marked increase in the use of the concurrent resolution by both houses and the increased use of the simple resolution by the House. A more detailed breakdown of resol-
<table>
<thead>
<tr>
<th></th>
<th>December 1, 1924, to August 5, 1939</th>
<th>November 1, 1939, to January 2, 1951</th>
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</thead>
<tbody>
<tr>
<td><strong>Concurrent Resolutions</strong></td>
<td>Introduced: 10</td>
<td>Passed: 1</td>
</tr>
<tr>
<td></td>
<td>Senate</td>
<td>House</td>
</tr>
<tr>
<td><strong>Simple Resolutions</strong></td>
<td>Introduced: 174</td>
<td>Passed: 37</td>
</tr>
</tbody>
</table>
important, however, to consider a fact that is not reflected in the chart. Of the total of 15 concurrent resolutions passed by both houses during the twenty-six year period under review, only 2 were adopted before 1939; the other 13 were passed after that date. This again indicated the growing complication of foreign affairs. It should be noted also that the 13 concurrent resolutions passed by both houses after November 1, 1939, 7 of them were approved during the period between January 6, 1943, and December 21, 1945; this period, of course, includes 3 of the 4 years of United States participation in World War II. While the Senate totals in respect of concurrent resolutions introduced did not keep pace with the same totals for the House, the increase in concurrent resolutions passed by the Senate

vention to draft a constitution providing for an international government" (H. Con. Res. 77; 77th Congress; 2nd Session); "Relating to membership of the United States in the United Nations in order to implement the Atlantic Charter" (S. Res. 135; 78th Congress; 1st Session); "Favoring action looking to relief for starving peoples of Europe" (H. Res. 221; 78th Congress; 1st Session); "Favoring action looking to the trial and punishment of persons guilty of atrocities upon prisoners of war and civilians" (S. Res. 262; 78th Congress; 2nd Session); "That the Congress recommend and urge the President and the Secretary of State to use their offices in effecting the establishment of emergency shelter in Palestine for persecuted Jews of Europe" (H. Res. 622; 78th Congress; 2nd Session); "Favoring ratification by the Senate of any international agreement relating to the use, development, or control of atomic energy" (S. Res. 297; 79th Congress; 2nd Session); "Favoring the strengthening of the United Nations as a means of preventing war and maintaining world peace" (S. Cong. Res. 23; 80th Congress; 1st Session).
slightly exceeded that of the House. In any case, it may be said that concurrent resolutions were utilized relatively infrequently during the pre-war years. This statement should be qualified to a certain extent, however, by the fact that an increased introduction of House Concurrent Resolutions is quite noticeable after 1932.

In respect to simple resolutions, 174 measures were introduced in the Senate, 37 of which were passed, in the period from December 1, 1924, to August 5, 1939; from November 1, 1939, to January 2, 1951, 119 Senate Resolutions were initiated and 13 were passed. The fact that the second of the two periods is approximately 3 years shorter than the first accounts for the smaller number of resolutions introduced after November 1, 1939, as compared with the period from December 1, 1924, to August 5, 1939. The figures for the House of Representatives for the same two periods—135 introduced and 7 passed between December 1, 1924, and August 5, 1939; 241 introduced and 34 passed during the period from November 1, 1939, to January 2, 1951—show a marked increase in both introduction and passage of simple resolutions by that body, an increase which is more strongly emphasized by the difference of approximately 3 years between the length of time included in each of the two periods.

One further observation should be made. Passage by the Senate of simple resolutions was at its lowest ebb from January, 1935, through December, 1942; during these 8 years the Senate approved only 2 simple resolutions. In general, the House, in comparison with the Senate, was not particularly
active in the use of simple resolutions during the whole pre-war period.

By January, 1945, an Allied victory was a virtual certainty, and with victory would come the necessity for a foreign policy adapted to the conditions of peace rather than one designed to achieve victory in war. It would be expected that more diversity of opinion in matters of foreign policy would appear in the formulation of a peacetime foreign policy than in the making of a wartime policy. This is reflected to a certain extent in the use of the congressional resolution. The chart below embodies the figures for this period.

January 3, 1945, to January 2, 1951

<table>
<thead>
<tr>
<th></th>
<th>Concurrent Resolutions</th>
<th>Simple Resolutions</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Introduced</td>
<td>Passed</td>
</tr>
<tr>
<td>Senate</td>
<td>41</td>
<td>5</td>
</tr>
<tr>
<td>House</td>
<td>307</td>
<td>5</td>
</tr>
</tbody>
</table>

A number of facts immediately come to light when this chart is compared with the one covering the period from November 1, 1939, to January 2, 1951. A comparison shows that in the Senate over one-half of the resolutions introduced after November 1, 1939, \(^{12}\) were initiated during the last six

\(^{12}\)117 out of 181.
years covered by this study. Considering concurrent and simple resolutions individually, it is also true that over one-half of the resolutions of each type introduced since November 1, 1939, were initiated during the period from January 3, 1945, to January 2, 1951, 41 out of 62 concurrent resolutions and 76 out of 119 simple resolutions. During the years 1949 and 1950 a total of 34 Senate Resolutions were introduced and 6 were passed, an increase over the totals for the previous three years.

No significant difference exists between the number of Senate Concurrent Resolutions passed during the war and the number adopted during the post-war period, 6 being passed from November 1, 1939, to December 19, 1944, and 5 from January 3, 1945, to January 2, 1951. There is a substantial difference, however, between the number of simple resolutions approved by the Senate in the two periods; 11 of the 13 simple resolutions passed since November 1, 1939, were adopted after January 3, 1945.

As in the Senate, over one-half of all the resolutions introduced in the House between November 1, 1939, and January 2, 1951, were initiated during the post-war period from January 3, 1945, to January 2, 1951.13 A further breakdown shows that an overwhelming majority of the concurrent resolutions and over one-half of the simple resolutions were initiated in the House during the later of the two periods. From November 1, 1939, to January 2, 1945, 58 concurrent

13 445 out of 606.
resolutions and 103 simple resolutions were introduced in the House, whereas 307 concurrent resolutions and 138 simple resolutions were initiated in the lower house during the following six-year period. An increase in the number of concurrent resolutions passed is noticeable after January 3, 1945; during the same period, passage of simple resolutions decreased substantially in the House. Five out of the 8 concurrent resolutions and 11 out of the 34 simple resolutions approved during the last 11 years and 2 months covered by this study were adopted after January 3, 1945. The fact that more simple resolutions were passed in the House during the war than afterwards can be attributed to the passage of a group of 17 House Resolutions embodying messages of thanks to various South and Central American governments for courtesies shown to House junkets in 1941.

GENERAL SIGNIFICANCE OF THE PERIOD

Considering only the ratio of resolutions passed to resolutions introduced, it must be concluded that, in so far as actual numbers are concerned, the congressional resolution has not been utilized extensively as an instrument to influence foreign policy. It is obvious, of course, that the figures presented above do not alone suffice for the purpose of drawing any general conclusions as to how effective or important the congressional resolution has been. It is possible that the subject matter of resolutions that have been passed and the circumstances of their passing
would outweigh the significance of sheer numbers. This will be discussed in a later chapter.

It is true, too, that, although a resolution was not passed, the very fact that it was introduced may have exerted a degree of influence on policy; it would, of course, be almost impossible to determine the extent of such influence with any degree of exactness in most cases. Any resolution which is introduced represents the opinion of its sponsor, and perhaps other members of Congress, in respect of the subject with which it is concerned. Since congressional approval and support is necessary for the successful implementation of any foreign policy, the opinions of the members of Congress, both collectively and individually, obviously are of importance to the executive branch of the government. This importance is present, even if to a lesser degree, when such an expression of opinion is not formally approved by either or both of the houses of Congress.

Perhaps the most significant development to be observed for the period under review is the great increase in the use of the congressional resolution by the House of Representatives since November 1, 1939, and the continuing increase since 1945. This increase is particularly noticeable in the number of resolutions introduced and, to a lesser degree, in the number of resolutions passed. This trend may indicate *inter alia* an increasing awareness on the part of
Representatives of the importance of foreign policy, together with a feeling in the lower house that it should exert more influence in matters of foreign policy. It no doubt indicates too that the House of Representatives is in fact more important than ever before in foreign affairs, principally because so many policies involve the appropriation of large sums of money, or because they call for a statutory enactment of some kind. Such policies as Point 4, the Economic Recovery Program, and military assistance to other nations have been based on statutes and they have required large expenditures of money. Consequently, "the House, with its special authority regarding appropriations and legislation, is in fact becoming the equal of the Senate in the foreign affairs field", as two well-known authorities have asserted.  

Special attention may be directed to the increased use of the concurrent resolution by both houses during the last 11 years of the period covered in this study. This trend would appear to reflect a recognition by both houses of the necessity for cooperation between the Senate and the House on matters concerning foreign policy. Further light will be thrown on this subject in a later chapter when the importance of the contents of the resolutions is examined.

Cheever and Haviland, op. cit., p. 4.
### Chart: Ratio of Resolutions Introduced to Resolutions Passed

#### 1. Senate

<table>
<thead>
<tr>
<th>Congress-Session</th>
<th>Dates</th>
<th>Concurrent Introduced</th>
<th>Concurrent Passed</th>
<th>Simple Introduced</th>
<th>Simple Passed</th>
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<td>68th Congress-2nd Session</td>
<td>Dec. 1, 1924-Mar. 4, 1925</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>2</td>
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</tbody>
</table>
| 69th Congress-1st Session | Mar. 4-18, 1925
Dec. 7, 1925-July 3, 1926 | 1 | 0 | 29 | 10<sup>12</sup> |
| 69th Congress-2nd Session | Dec. 6, 1926-Mar. 4, 1927 | 1 | 0 | 10 | 1 |
| 70th Congress-1st Session | Dec. 5, 1927-May 29, 1928 | 2 | 0 | 21 | 2 |
| 70th Congress-2nd Session | Dec. 3, 1928-Mar. 4, 1929 | 1 | 0 | 5 | 1 |
| 71st Congress-1st Session (Spec. Session of Senate) | Mar. 4-5, 1929 and April 15, 1929-Nov. 22, 1929 | 0 | 0 | 7 | 3 |
| 71st Congress-2nd Session | Dec. 2, 1929-July 3, 1930 | 1 | 0 | 13 | 5 |
| 71st Congress-3rd Session | Dec. 1, 1930-Mar. 4, 1931 | 0 | 0 | 8 | 4 |
| 72nd Congress-1st Session | Dec. 7, 1931-July 16, 1932 | 0 | 0 | 15 | 4 |
| 72nd Congress-2nd Session | Dec. 5, 1932-Mar. 4, 1933 | 1 | 0 | 3 | 0 |
| 73rd Congress-1st Session (Spec. Senate Session) | Mar. 4, 1933-June 16, 1933 | 0 | 0 | 5 | 1 |
| 73rd Congress-2nd Session | Jan. 3, 1934-June 18, 1934 | 0 | 0 | 11 | 2 |

<sup>12</sup>One not agreed to.
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<tr>
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CHAPTER III
SUBJECT MATTER OF RESOLUTIONS

The necessity to deal with the subject matter of resolutions in attempting to evaluate the importance of the congressional resolution as an instrument to influence foreign policy has already been explained. The categories included in the chart at the end of the chapter do not purport to be either a definitive or an exhaustive listing of subjects which may be considered as important in the field of foreign affairs. They have been selected because of their continuing importance in the foreign policy of the United States. The titles of the first four categories—(1) International Conferences; (2) International Organizations; (3) Negotiation of Treaties or Agreements; and (4) Conditions in a Foreign Country or of Foreign People, or Opinions held by or Actions taken by Foreign Governments—are self-explanatory. Category number five, "Recognition", includes not only resolutions which pertain to the recognition of a new state or government, but also those calling for the severance of diplomatic relations and the "withdrawal" of recognition. "Economic Policy", number six, is likewise broadly defined for the purposes of this chapter, including such matters as foreign aid, reparations, foreign financial obligations and claims of United States citizens, and
foreign loans by the Bank of International Settlements. Tariffs and tariff policy have not been included, for reasons discussed in chapter I.

The resolutions listed under "Miscellaneous", with one exception, deal with subjects too diverse to be categorized under a more specific heading. In addition, each of the many subjects is largely concentrated in a relatively short period of time, as opposed to the continuing importance of the other six categories. The fact that these diverse resolutions are listed but not classified is not meant to imply that they are unimportant. The one exception to the foregoing statements is resolutions which can be termed "ceremonial", such as messages of thanks, congratulation, or condolence to foreign governments.¹ This group of resolutions, while not sufficiently important to be included separately in the table at the end of the chapter, will be discussed in connection with the totals of the categories which make up

¹The following resolutions illustrate the type included in the "ceremonial" category: "To extend greetings to the people of Italy from the Congress of the United States" (H. Con. Res. 158; 79th Congress; 2nd Session); "Felicitating the Pan American Union on its fifty-sixth anniversary" (H. Res. 599; 79th Congress; 2nd Session); "Expressing sympathy of the House of Representatives to the people of Greece on the death of King George II" (H. Res. 169; 80th Congress; 1st Session); "Extending greeting of the United States Senate to the representative bodies of the American republics on the occasion of Pan-American Day" (S. Res. 109; 81st Congress; 1st Session); "Extending the thanks of Congress to the Senate and Chamber of Deputies of the Republic of Mexico for certain courtesies extended" (S. Con. Res. 18; 77th Congress; 1st Session).
The table brings out the overwhelming number of "ceremonial" resolutions passed in relation to the number introduced, 48 out of 66; this ratio far exceeds that of any other category. The conclusion that ceremonial resolutions were the type most frequently passed is verified by the fact that the combined total of resolutions passed in all of the other categories, not including "Miscellaneous", is 44, four less than the total of the former type passed. The total of all resolutions passed, including "Miscellaneous", is 113; over 40% of that total is made up of the 48 ceremonial resolutions which were approved by either or both of the houses of Congress.
The other five categories ranked by frequency of introduction are: (1) conditions in a foreign country or of foreign people, or opinions held by or actions taken by foreign governments, 240 introduced, 14 passed; (2) international organizations, 179 introduced, 9 passed; (3) negotiation or study of treaties or agreements, 120 introduced, 8 passed; (4) economic policy, 96 introduced, 8 passed; (5) international conferences, 77 introduced, 5 passed; (6) recognition, 30 introduced, 0 passed. While the difference in the number of resolutions introduced in each of the categories is quite noticeable, there is no significant difference in regard to resolutions passed, with the exception of "Recognition"; the technical nature of this category probably explains the relatively few resolutions introduced and the fact that none was passed. The large number of ceremonial resolutions passed, compared with the relatively few resolutions passed in the other categories points up the willingness of Congress to adopt an appreciable number of resolutions on minor matters, as compared with its reluctance in more vital affairs.

RECORD OF THE TWO HOUSES COMPARED

In chapter II, on the basis of all resolutions introduced and passed, it was concluded that the record of the Senate was more impressive than that of the House in the sense that the latter introduced more and passed fewer resolutions than the former. The same relationship between the records of the two houses prevails in each of the categories.
included in the table cited above. A breakdown of the categories into simple and concurrent resolutions produces a few exceptions to this general conclusion. Senators introduced more simple resolutions than members of the House in respect of international organizations (29 to 20), treaties (44 to 34), economic policy (32 to 30), and recognition (10 to 8). The upper house also passed more simple resolutions than the House in all of the categories just named, except recognition; neither house passed any resolutions pertaining to recognition. The House passed more concurrent resolutions on international organizations (1 to 0) and more simple "ceremonial" resolutions (30 to 6) than the Senate. These exceptions, however, are not sufficiently important to alter the general conclusion.

In 4 of the 7 categories an appreciable difference exists in the number of resolutions passed by each house. The widest discrepancy is in ceremonial resolutions; the House passed 35 resolutions of this type as opposed to favorable action in the Senate on only 13. The Senate leads in resolutions passed in the other three categories--treaties (7 to 1), conditions in foreign countries or opinions held by or actions taken by foreign governments (11 to 3), and economic policy (8 to 0).

In the Senate, the seven categories, ranked on the basis of resolutions introduced, are: (1) conditions in foreign countries or of foreign people, opinions held by
or actions taken by foreign governments (70-11); (2) treaties (49-7); (3) international organizations (40-5); (4) economic policy (38-8); (5) international conferences (20-3) and ceremonial (20-13); (6) recognition (11-0). A similar ranking of categories exists in the House: (1) conditions in foreign countries or of foreign people, or relating to opinions held by foreign governments (170-3); (2) international organizations (130-4); (3) treaties (71-1); (4) economic policy (58-0); (5) international conferences (57-2); (6) ceremonial (46-35); (7) recognition (19-0).

The only variation between the two lists is the ranking of treaties and international organizations second and third in the Senate and third and second, respectively, in the House. There is no substantial difference in the number of resolutions passed by the Senate in each of the categories. In the House, "ceremonial" resolutions were passed a great deal more frequently than any other type, though there is little difference between the other categories in this respect.

As noted previously, an analysis of the subjects of resolutions corroborates the conclusion that the record of the Senate is more impressive than that of the House in regard to resolutions passed. In view of the information presented above, it is also clear that the House has been far more reluctant than the Senate to pass resolutions other than those of a ceremonial nature; the 35 ceremonial resolutions passed by the lower house is more than double the
total of all other resolutions passed by that body, 16.

PRE-WAR AND POST-1941 PERIOD COMPARED

The table on this page is based on a breakdown of the totals of resolutions introduced and passed by each house over two periods of time: (1) from 1925 to 1941; and (2) from 1941 to 1951. Categories 1 through 6 have the same titles as the corresponding categories in the table at the end of the chapter. Category number 7 is ceremonial resolutions and number 8 is miscellaneous.

68th through 76th Congress
December 1, 1925, to January 3, 1941

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<td>47-0</td>
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Even though the period covered by the second table is six years shorter than that covered by the first, an increase in the number of resolutions introduced occurred in the following categories: international conferences (35 to 42), inter-
national organizations (20 to 159), conditions in foreign countries or of foreign people, or opinions held by foreign governments (92 to 146), economic policy (47 to 49), ceremonial (14 to 52), and miscellaneous (124 to 225). In other words, the increase in resolutions introduced after the outbreak of World War II, described in chapter II, is reflected in all of the categories except treaties and recognition. Resolutions introduced in the former category dropped from 66 to 54, and in the latter category from 20 to 10. In both cases the drop in the number of resolutions introduced was caused by a lower total for the Senate.\(^2\)

The number of resolutions introduced in the House increased in each of the two categories during the second period, from 32 to 39 in respect of treaties and from 9 to 10 on recognition. The total number of resolutions introduced concerning conditions in foreign countries or of foreign people, or relating to opinions held by foreign governments and economic policy is greater for the second period even though the Senate total in these two categories decreased for that period. Introduction of resolutions related to the former category increased from 92 to 146 and from 47 to 49

\(^{215}\) resolutions pertaining to the negotiation of treaties and 0 resolutions dealing with recognition were introduced in the Senate after 1941 as opposed to 34 of the former type resolution and 11 of the latter in the pre-war period.

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regarding the latter category. Senate totals dropped from 39 to 31 and from 30 to 8 in the two categories respectively.

Of the six categories listed above, which showed an increase in resolutions introduced during the period after 1941, only three also showed an increase in resolutions passed—international organizations (2 to 7); ceremonial (11 to 37); and miscellaneous (10 to 11). Seven resolutions pertaining to conditions in foreign countries were passed during each period and no resolutions on recognition were passed during either period. It is clear that the number of resolutions passed increased roughly in proportion to the increase in the number introduced only in respect of ceremonial resolutions. This fact further verifies the conclusion previously stated concerning the relative insignificance of a major portion of the resolutions passed by congress.

COMPARISON OF THE WAR AND POST-WAR PERIODS

The tables on following page are a breakdown of the last ten years covered by this study. The first table includes the period from January, 1941, to August, 1946, which will be considered as the war period. The second table covers the last four years from January, 1947, to January, 1951.
77th through 79th Congress  
January 3, 1941, to August 2, 1946

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80th through 81st Congress  
January 3, 1947, to January 2, 1951

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Passage of resolutions by the Congress declined very noticeably after 1947. During the war years 1941-1946 a total of 45 resolutions were passed. This figure is over twice the total of 19 passed during the post-war years. The fact that fewer resolutions were passed during the last four years covered by this study can be attributed largely to the drop in ceremonial resolutions passed by the House from 21 to 6. In contrast to the decrease in resolutions passed after 1947, the number of resolutions introduced increased from 324 to 415. The increase of resolutions introduced on international organizations from 30 to 129 is the most signifi-
cant and is explained by the fact that the number of House concurrent resolutions introduced rose from 8 to 109 during the second period. In only two categories were fewer resolutions introduced after 1947, compared with the preceding six years--ceremonial (36 to 114) and miscellaneous (142 to 83).

The fact that the number of resolutions introduced increased in five of the first six categories after 1947 (five resolutions dealing with recognition were introduced in each period) furnishes further proof of an awareness on the part of Congress of the continuing and increasing importance of foreign affairs. This is particularly true for the House of Representatives since the increase in resolutions initiated during the post-war period in 5 of the 8 categories was caused primarily by the activity of that body. The number of resolutions passed, however, clearly shows that this instrument was used quite infrequently. The small number of resolutions approved may, perhaps, result from the difficulty of securing majority support from many diverse opinions on a relatively small aspect of a large problem, which is one of the reasons why a legislative body is considered competent to formulate only the broad outline and goals of a foreign policy.

Several additional items of interest, some of which have been alluded to previously, should be mentioned. The advent of the United Nations is clearly reflected by the
number of resolutions pertaining to international organizations introduced and passed after January, 1945. Of the total of 40 such resolutions introduced in the Senate, 5 of which were passed, during the 26 year period, 28 were initiated and 4 passed after January, 1945. In the House, 126 out of 139 resolutions on international organizations were introduced and 3 out of 4 were passed during the last six years covered by this study. In contrast to the spurt of activity regarding international organizations is the failure of the House to pass a single resolution on economic policy; all 8 of the resolutions on this subject passed by the Senate were approved before 1935.

The information presented in this chapter furnishes additional proof for the conclusions stated in chapter II. The increased introduction of resolutions in the House is reflected in every category. The ratio of resolutions passed to the number introduced in the lower house is clearly lower than that of the Senate. In addition, the great number of ceremonial resolutions passed by both houses is a further indication that resolutions have not been used by the Congress a significant number of times as an instrument to influence foreign policy on important issues.

GENERAL SIGNIFICANCE

In view of the special Constitutional position occupied by the Senate in regard to the treaty-making process, it might be expected that the members of that body, because
of a greater interest in this matter, would introduce more
resolutions dealing with the negotiation of treaties than
would their colleagues in the House of Representatives.
As pointed out previously, however, fewer resolutions dealing
with this subject were initiated in the Senate than in the
House, although it is true that more such measures were
approved by the upper house. Perhaps the explanation for
this situation may be found to be a result of the special
constitutional position of the Senate. Since Senators
know that all treaties must be approved by two-thirds of their
number, it may be that they do not feel it necessary to use
the congressional resolution to register their respective
opinions. The fact that only one House resolution bearing
on this subject was approved certainly indicates, however,
that the House of Representatives made very few concerted
efforts to usurp a portion of the treaty-making power
constitutionally vested in the Executive and the Senate.

The conclusion that no major effort was made by
either house to influence the negotiation of international
agreements is further substantiated by the small number of
resolutions dealing with international conferences approved
during the period under discussion. There was clearly
little effort to influence the Executive in either of the
fields of negotiation of treaties and of the calling of
international conferences.

It has been pointed out previously that there were
no resolutions dealing with recognition passed by either of
the houses of Congress. This fact, of course, indicates that no formal effort was made between 1925 and 1950 to use the congressional resolution to establish the validity of legislative recognition, an action which had been attempted in 1896 in regard to Cuban independence. This may mean, that, during this period at least, Congress recognized the complete authority in this field of the President.

The constitutional basis of the House of Representa-
tives' power to appropriate money was described in chapter I. The facts that foreign commitments today generally require appropriations, and that this situation has enhanced the position of the House in respect of foreign policy were also discussed in that chapter. With this situation in mind, it is quite surprising to note that no resolutions dealing with economic policy were approved by the House of Representatives between December, 1924, and January, 1951. It may be, of course, that members of the House feel it to be unnecessary to resort to the use of resolutions because they will have a chance to register their opinions during the consideration of appropriation bills. In any case, the failure of the lower house to approve any resolutions bearing on economic policy is evidence that little positive effort was made by members of that body to exert a positive influence in regard to economic aspects of foreign policy during the period covered by this study.

Since each of the two houses of Congress has a special authority in regard to foreign policy—the Senate's
treaty approving function and the House's special role in appropriations--it might be expected that the subjects most closely related to those special powers would rank the highest in the respective houses in terms of resolutions introduced. Such is not the case, however, in either house. Resolutions dealing with conditions in foreign countries or of foreign people, or opinions held by or actions taken by foreign governments were most frequently initiated in both the Senate and the House. Senate resolutions bearing on the negotiation of treaties and agreements were the second most frequently introduced by members of that body, however, whereas House resolutions dealing with economic policy ranked fourth in those introduced. In general, as pointed out previously, each of the two houses considered the six subjects in the same order of importance from the point of view of resolutions introduced.

The importance of the congressional resolution cannot be assessed solely on the basis of subjects dealt with by such measures. The method embodied in such resolutions (direct requests for executive action, requests for information, etc.) must also be considered. This matter is the subject of the next chapter.
The number of each category of subjects corresponds to the number of the column in which is listed the data pertinent to the particular subject. In each of the columns the first figure given is the number of resolutions introduced; the second represents the number passed.

The categories of subjects included in the following chart are: 1. International Conferences; 2. International Organizations; 3. Negotiation or Study of Treaties or Agreements; 4. Conditions in a foreign country or of foreign people, or opinions held by or actions taken by foreign governments; 5. Recognition; 6. Economic Policy; 7. Miscellaneous.

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3 Second session only.
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Second session only.

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CHAPTER IV
TYPES OF RESOLUTIONS

In attempting to determine the significance of the congressional resolution as an instrument to influence
foreign policy, it may be noted that, in addition to an
analysis of the ratio of resolutions introduced to res-
olutions passed and of the subjects dealt with by res-
olution, the purpose of the various resolutions must be
considered. The table at the end of the chapter categorizes
all of the resolutions under one of five types: (1) Res-
olutions which "call for", "approve", "authorize", or "pro-
vide for" specific action by the executive branch, the Congress,
or an international body;¹ (2) Resolutions expressing
congressional opinion, including resolutions which"favor"
action or which "express the sense of Congress" on a parti-
cular issue;² (3) Resolutions requesting information;³

¹Examples of this type of resolution are: H. Con.
Res. 41, 69th Congress, 2nd Session: "Requesting the Pres-
ident to propose the calling of a third Hague conference for
the codification of international law,"and S. Res. 294,
70th Congress, 2nd Session: "Requesting the President to
negotiate treaties with the principal nations for the pro-
tection of the rights of neutrals and freedom of the seas."

²The following resolutions illustrate this type of
resolution: S. Res. 247, 78th Congress, 2nd Session: "Fav-
oring action by the United States looking to the restoration
of Palestine as a homeland for the Jewish people;" and H.
Cong. Res. 40, 79th Congress, 1st Session: "Expressing the
sense of Congress that the United States should retain
permanent possession and control of Japanese islands taken
by the United States during the present war."

³Examples of this type are: H. Res. 289, 75th
(4) Resolutions authorizing congressional investigations; and (5) Resolutions which "relate" or "pertain" to a particular issue.

Of these five categories, number one is the most important because the resolutions there included represent a direct attempt to influence policy. Resolutions expressing congressional opinion are of only slightly less importance since there seems to be very little practical difference between "requesting" and "favoring" a certain action on the part of the executive. Resolutions which "relate" or "pertain" to a particular issue are of the least importance because it is usually impossible to determine the purpose of such resolutions. This is true because, in most cases, resolutions of the latter type are accompanied by no explanatory comment, and no text is reproduced in the Congressional Record. There is, consequently, no way to determine the specific purpose of the resolution.

Examples of this type of resolution are: S. Con. Res. 10, 77th Congress, 1st Session: "To investigate the matter of the obtaining of essential war materials from the Western Hemisphere by the Axis Powers;" and H. Res. 454, 76th Congress, 3rd Session: "To provide for the creation of a select committee to investigate the activities and policies of the Government of the United Mexican States insofar as such activities and policies relate to and affect the rights of citizens of the United States."

Examples of this type of resolution are: S. Res.
Over one-half of all resolutions introduced and resolutions passed fall into the first two types mentioned above; 370 introduced and 20 passed in category one, 391 introduced and 55 passed in category two. There is no substantial difference between the totals for the three remaining categories. One hundred and twenty-four resolutions which "related" or "pertained" to a particular issue were introduced, with 16 being passed. Requests for information were embodied in 124 resolutions of which 13 were approved; 9 out of 148 resolutions authorizing congressional investigations were passed. The subjects with which the various types of resolutions were concerned will be discussed later in this chapter.

**COMPARISON OF THE RECORD OF THE TWO HOUSES**

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<td>3. Request for Information</td>
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<td>5. Resolutions which &quot;relate&quot; to an issue</td>
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135, 78th Congress, 1st Session: "Relating to membership of the United States in the United Nations in order to implement the Atlantic Charter;" H. Res. 22, 76th Congress, 1st Session: "Pertaining to the negotiation of reciprocal trade agreements."
In each category, more resolutions were introduced into the House of Representatives than into the Senate; with the exception of resolutions which expressed the opinion of one or both houses, the Senate, however, passed as many or more resolutions in each category than did the lower house. The most substantial difference between the records of the two houses is in respect of direct requests for executive action; 49 such resolutions were introduced in the Senate as opposed to 321 in the House. The number of "direct request" resolutions introduced in the Senate constitutes the smallest total of any of the categories for that body. In contrast, the 321 resolutions introduced in the House represent the largest total for any of the five categories in the lower house. This is somewhat surprising since the Senate traditionally has been more closely associated with foreign policy than the House. These figures may, however, reflect an attempt by members of the lower house to increase their authority and influence in regard to foreign affairs. It is true, however, that both houses passed 10 resolutions requesting direct action. It should be noted that the House failed to pass a single resolution requesting information.
The comparison embodied in the above table clearly illustrates the fact that the House of Representatives has become more aware of the importance of foreign affairs since the outbreak of World War II. The great increase in the introduction of resolutions in the House requesting specific action (from 82 during the pre-war period to 239 from 1941 to 1951) and expressing the opinion of that body.
(205 resolutions out of total of 255 were initiated after 1941) is of particular significance in this respect. The increased interest of the lower house in foreign affairs is further substantiated by the fact that only in regard to requests for information were more resolutions introduced in the House prior to 1941 than after that date. In contrast to the increased introduction of all types of House resolutions after 1941, with the exception of resolutions of inquiry, the number of resolutions initiated in the Senate was less for the war and post-war period than it had been during the pre-war years. Only in respect of the expression of congressional opinion were more Senate resolutions introduced between 1941 and 1951 than had been initiated prior to that time. Fifty-three such resolutions were introduced between 1924 and 1941, while 83 were initiated during the last ten years covered by this study.

ANALYSIS OF TYPES OF RESOLUTIONS DEALING WITH SPECIFIC SUBJECTS

In the preceding chapter resolutions pertaining to foreign affairs introduced between December 1, 1924, and January 2, 1951 were categorized on the basis of the subjects with which they dealt. In that chapter it was pointed out that several of those subjects were the basis for an appreciable number of resolutions. In order to evaluate the significance of such resolutions more fully it is necessary to analyze those introduced on each of the subjects from the
point of view of the types of resolutions dealing with each subject. Chart B at the end of the chapter embodies such a breakdown on the following subjects: (1) international conferences; (2) international organizations; (3) negotiation of treaties or agreements; (4) conditions in foreign countries; (5) recognition; and (6) economic policy.

Of the six subjects considered, international organizations most often have been dealt with by resolutions containing direct requests for specific action (106), and more direct requests pertaining to this subject were passed (44) than were such requests dealing with any of the other subjects. Resolutions requesting specific action were introduced and passed the least number of times in respect of recognition (18-0); there were no such resolutions introduced in the Senate concerning recognition. "Direct request" resolutions constituted over one-half of all resolutions introduced on a given subject in regard to international conferences (54 out of 77), international organizations (106 out of 179), and recognition (18 out of 30). "Direct request" resolutions plus resolutions expressing congressional opinion accounted for over one-half of the resolutions introduced in respect of two categories, negotiation of treaties or agreements (82 out of 120) and economic policy (56 out of 96). It is thus evident that an overwhelming majority of the resolutions introduced dealing with four of
the six subjects considered embodied either direct requests for action or expressions of congressional opinion, and that in regard to the other two subjects, negotiation of treaties and agreements and economic policy, a clear majority of the resolutions initiated were of the same two types. The significance of this fact is apparent since direct requests for action and expressions of congressional opinion are the most obvious methods by which Congress can exert influence over foreign policy through the congressional resolution. In addition, over one-half of all the resolutions passed in respect of these six subjects (24 out of 43) were of the two types discussed above. It must be remembered, of course, that these 24 resolutions were passed during a 26-year period, or at a rate of slightly less than 1 a year; this fact confirms the conclusion previously stated that Congress has not utilized the congressional resolution a great many times as an instrument to influence foreign affairs.

RECORD OF THE TWO HOUSES COMPARED

On all of the six subjects included in the table, the House of Representatives introduced a substantially greater number of "direct request" resolutions than did the members of the upper house: (1) international conferences—47 out of 54; (2) international organizations—93 out of 106; (3) negotiation of treaties and agreements—33 out of 43; (4) conditions of foreign countries—42 out of 46; (5) recognition—18 out of 18; and (6) economic policy—17
out of 21. No substantial difference exists within any of the categories, however, in the number of such resolutions passed by each house. A similar situation exists regarding resolutions expressing congressional opinion, with the exception of those dealing with recognition. The following figures show the number of resolutions of this type introduced in the House as compared with the total for the two houses: international conferences—10 out of 17; international organizations—42 out of 64; negotiation of treaties and agreements—21 out of 39; conditions in foreign countries—48 out of 64; and economic policy—24 out of 35. Only 1 out of 7 resolutions of this type dealing with recognition was introduced in the House. It is obvious that the difference between the totals for the two houses is not as pronounced as that which is apparent in respect of "direct request" resolutions, but a somewhat more noticeable difference does exist between the number of resolutions passed by each house. Nine of the 13 resolutions containing expressions of opinion on the six subjects which were passed were Senate resolutions.

The increase in resolutions dealing with the six subjects included in the table which were introduced after January, 1941, was caused largely by increased House activity in respect of "direct request" resolutions and resolutions expressing congressional opinion.
INTERNATIONAL CONFERENCES

Prior to 1941, 18 resolutions requesting direct action were introduced in the House and 3 in the Senate. From January, 1941, to January, 1951, 29 such resolutions were initiated by Representatives and 4 by Senators. There was a drop in House resolutions (from 7 to 3) and a very slight increase in Senate resolutions expressing congressional opinion (from 3 to 4) during the last ten years covered by this study as contrasted with the preceding 16 years.

INTERNATIONAL ORGANIZATIONS

The creation of the United Nations was the primary cause of the sharp increase in resolutions dealing with international organizations. A total of 13 Senate and 93 House resolutions requesting specific action were introduced during the 26-year period; 6 of the 13 Senate resolutions and 88 of the 93 House resolutions were initiated after January, 1941. Resolutions expressing congressional opinion were introduced 22 times in the upper house and 42 times in the lower house between December, 1924 and January, 1951. Of these totals, 21 of the Senate resolutions and 39 of the House resolutions were introduced during the last ten years of that period. The fact that activity on the part of Representatives was the major reason for the over-all increase in resolutions introduced since 1941 is manifest.

NEGOTIATION OF TREATIES AND AGREEMENTS

On this subject there is not a great difference between the number of resolutions of all types introduced
during the pre-war period (66) and after 1941 (54). The difference can be attributed largely to the difference in the number of years included in the two periods. "Direct request" resolutions were initiated in the Senate only twice after 1941, as opposed to 8 times during the pre-war period, and in the House 19 times during the former period and 14 times during the latter. Of the totals of 18 Senate resolutions and 21 House resolutions expressing congres-sional opinion initiated during the 26-year period, 8 were introduced in the Senate and 14 in the House during the 10 years following 1941. The over-all increase in House activity since 1941 is thus reflected in regard to this type of resolution dealing with treaties. It should be noted that the resolutions pertaining to the negotiation of treaties are distributed among all five types of resolutions to a much greater extent than were those pertaining to the two subjects discussed previously.

CONDITIONS IN FOREIGN COUNTRIES

The number of direct requests for action and expressions of opinion on this subject was greater in both houses during the war and post-war period than it had been during the pre-war years. The increase in the Senate (no direct requests and 4 resolutions expressing the opinion of the Senate during the latter period; 4 direct requests and 12 expressions of opinion during the former) from 1941 to 1951 was less significant than that in the House (12
direct requests and 15 expressions of opinion from 1925 to 1941; 30 direct requests and 33 expressions of opinion after 1941). A considerable drop in requests for information occurred in both houses during the second period; 15 such resolutions were introduced in each house during the first 16 years and only 1 in each house during the subsequent 10 years. A total of 44 House resolutions which "related" to conditions in foreign countries were initiated during the 26-year period, 41 of which were introduced during the last 10 years. This total represents the largest number of this type of resolution introduced on any of the six subjects by either house. In general, these figures reflect a growing interest in conditions in other countries, and, thus, in world affairs on the part of both houses. The increased introduction of "direct request" resolutions and resolutions expressing congressional opinion, particularly in the House, are of special significance in this respect.

RECOGNITION

The most noticeable difference between the total for the 1925-1941 period and those from 1941-1951 is the fact that no Senate resolutions were introduced on this subject during the latter period. Nine House resolutions calling for direct action were introduced during both periods as contrasted with no direct requests in either period by the Senate. There were, however, 6 Senate resolutions expressing the opinion of that body initiated during the pre-
war period to 13 during the last 10 years, and that of
the latter type from 2 to 22. The number of requests for
information dropped in both houses after 1941. Nine Senate
resolutions and 1 House resolution were introduced after
that date. There were no resolutions on this subject passed
by the House during the entire 26-year period and no Senate
resolutions approved after 1941. From 1925 to 1941 the
Senate passed only 1 "direct request" resolution and 2 res-
olutions stating the opinion of the upper house on this
subject.

The appreciable increase in the number of direct
requests pertaining to these six subjects, primarily as a
result of House activity, since 1941 confirms the conclusion
reached in a previous chapter as to the increasing awareness
on the part of the lower house of the importance of foreign
affairs and of the growing desire of the members of that
body to exert influence in that sphere of policy. On the
other hand, the fact that a total of only 11 "direct
request" resolutions and 13 resolutions expressing congres-
sional opinion were passed corroborates the earlier state-
ment that neither house has used the resolution very many
times as an instrument to influence policy. Attention should
also be directed to the fact that only 9 requests for
information and 5 resolutions authorizing investigations
were passed, all by the Senate. Even though it is difficult
for members of Congress to be "adequately aware of the host
of acts and imponderables that bear upon our foreign
relations," the Congress clearly did not use the congress-
ional resolution an appreciable number of times as a
means of remedying this situation. 6

GENERAL SIGNIFICANCE

In the preceding chapter the marked increase in
resolutions introduced pertaining to international organizations
was discussed, and the advent of the United Nations was
cited as one of the major reasons for this increase. It ap-
ppears significant, consequently, that only 3 "direct re-
quest" resolutions and 3 resolutions expressing congress-
ional opinion dealing with this subject were passed after
1941. It is true, however, that most of the resolutions bear-
ing on international organizations which were passed during
the last ten years covered by this study, such as the Ful-
bright Resolution and the Connally Resolution, were very
significant in regard to United States participation in the
new world organization. The matter of legislative-executive
cooperation in respect of the formulation of the United Nations
Charter has already been discussed. It is of interest to
note at this point, however, that no resolutions requesting
information concerning international organizations were intro-
duced in either house after 1941. The substantial and ef-
ficient liaison between the executive and legislative

6 Elmer Plischke, Conduct of American Diplomacy,
p. 33.
branches in regard to the United Nations undoubtedly was a major factor in making such resolutions unnecessary, and may also account for the small number of "direct request" resolutions and expressions of opinion dealing with this subject which were approved after 1941. The creation of the United Nations, which serves as something of a permanent international conference, may also account for the fact that only one resolution, a "direct request" House resolution, bearing on international conferences was approved between January, 1941, and January, 1951.

The special constitutional position of the Senate in regard to the treaty-making process and the fact that fewer resolutions pertaining to the negotiation of treaties were introduced in the Senate than in the House were discussed in chapter III. The explanation, given in connection with that discussion, that since the Senate must grant its favorable "advice and consent" to any treaty, Senators perhaps feel that there is no need to introduce resolutions on the subject may also explain the fact that only one "direct request" resolution and 2 expressions of opinion on this subject were passed by the Senate between December, 1924, and January, 1951. Such a point of view does not, however, explain why only one request for information concerning the negotiation of treaties was approved by the upper house. It seems that the Senate was not disposed to make a positive effort to obtain information on this sub-
ject even though it must perform a key function in the treaty-making process. Only one "direct request" resolution and no expressions of opinion pertaining to negotiation of treaties were approved by the House of Representatives. This fact corroborates the conclusion, stated in the preceding chapter, that the lower house made little, if any, effort to enhance its position in respect of the treaty-making process during the period covered by this study.

The fact that no resolutions embodying direct requests for executive action, expressions of congressional opinion, or requests for information in regard to the negotiation of treaties were approved after 1941 seems to be of singular importance. It might be expected that the introduction and passage of resolutions falling in these three categories would increase during the post-war years because of the prominent international position of the United States. Improved liaison between the executive and legislative branches may furnish a partial explanation of this situation; the alternative conclusion seems to be that Congress was willing to exercise only negative controls on the treaty-making process after 1941. Such a conclusion is not readily acceptable in view of the vehement debate over the so-called "Bricker Amendment".

In the previous chapter, the fact that no resolution pertaining to recognition was passed by either house was discussed. No "direct request" resolutions bearing on this
subject was initiated in the Senate during the entire 26-year period under discussion, whereas 18 such measures were introduced in the House of Representatives. The Senate, of course, must approve all regular diplomatic appointments, a power which is closely related to the formalization of diplomatic relations between two countries. Because the upper house has this authority, Senators perhaps feel it unnecessary to initiate resolutions on the subject. While this explanation is not susceptible of proof, it may nevertheless provide a reason for the fact that no resolutions dealing with recognition were introduced in the Senate after 1941. As with several other subjects discussed, it seems that Congress did not attempt to exert a great deal of positive influence in respect of this executive power.

In regard to economic policy, the special constitutional position of the House has been discussed previously and contrasted with the failure of that body to pass a single resolution pertaining to the subject. Nonetheless, the increased introduction of "direct request" resolutions and expressions of opinion bearing on economic policy in the House after 1941 indicates a growing awareness on the part of Representatives of the importance of the economic aspects of foreign policy. The increased introduction of these two types of resolutions stands in rather marked
contrast to the fact that only one request for information was initiated in the lower house between 1941 and 1951, even though the foreign commitments of the United States reached an all-time high. This situation seems to indicate that the House was willing, during this period, to exert what influence it could through appropriations bills and on the basis of information voluntarily furnished by the executive branch. It is also possible, of course, that a greater degree of legislative-executive cooperation made requests for information unnecessary.
### CHART A—TYPES OF RESOLUTIONS

**Key**

The number of each category of subjects corresponds to the number of the column in which is listed the data pertinent to the particular type of resolution. In each of the columns the first figure given is the number of resolutions introduced; the second represents the number passed.

The types of resolutions included in the following chart are: 1. Resolutions which "call for", "approve", "authorize", or "provide for" specific action by the executive branch, the Congress, or an international body. 2. Resolutions expressing congressional opinion. This category includes resolutions which "favor" action or which "express the sense of Congress" on a particular issue. 3. Resolutions requesting information. 4. Resolutions authorizing congressional investigations. 5. Resolutions which "relate" or "pertain" to a particular issue.

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68th through 76th Congress  
Dec. 1, 1924, to Jan. 3, 1941

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77th through 81st Congress  
Jan. 3, 1941, to Jan. 2, 1951

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2. International Organizations

68th through 76th Congress

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77th through 81st Congress

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68th through 76th Congress

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77th through 81st Congress

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4. Conditions in foreign Countries
68th through 76th Congress

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77th through 81st Congress

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5. Recognition

68th through 76th Congress

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77th through 81st Congress

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6. Economic Policy

68th through 76th Congress

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77th through 81st Congress

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It has been pointed out previously that the congressional resolution is one of the instruments by which Congress can exert a measure of influence upon foreign affairs. The use of this instrument has already been studied on the basis of the subjects dealt with by resolutions and the methods incorporated in resolutions. Another facet of its importance is the use to which the resolution has been put by political parties. One author has stated that resolutions of inquiry have been utilized quite infrequently and that the scarcity of this type of resolution is even more pronounced when the party which controls both houses of Congress is the same as that of the President, because of the fear of embarrassing the executive.\(^1\) It would seem that the same situation should prevail in respect of the other types of resolutions, that is, that the members of Congress belonging to the President's party would introduce relatively few resolutions. It is the purpose of this chapter to analyze the resolutions pertaining to foreign affairs introduced during the period

\(^1\) Floyd M. Riddick, *op. cit.*, p. 28.
from 1925 through 1950 from this point of view.

The data upon which this chapter is based may be found in the table at the end of the chapter. Only those resolutions dealing with the six subjects mentioned in the third chapter are included in this table. The resolutions included are also broken down on the bases of purpose and the political affiliation of their sponsors. One additional factor should be noted: since Senate resolutions may be sponsored by more than one member of that body, the number of sponsors of such resolutions, rather than the number of resolutions, have been counted in order to account for the political affiliation of such sponsors.

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2 The data upon which the table is based was obtained from the History of Bills and Resolutions and the Congressional Directory, both of which are published for each session of Congress.

3 These six subjects are: (1) international conferences; (2) international organizations; (3) negotiation of treaties or agreements; (4) conditions in a foreign country or of foreign people, or opinions held by or actions taken by foreign governments; (5) recognition; and (6) economic policy.

4 The purposes of resolutions, which were discussed in chapter IV, are: (1) resolutions calling for specific action by the executive branch of the government, the Congress, or an international body; (2) resolutions expressing congressional opinion; (3) resolutions requesting information; (4) resolutions authorizing congressional investigations; and (5) resolutions which "relate" or "pertain" to a particular issue.

5 For this reason, the total number of Senate resolutions included in the following tables, and in the comprehensive table at the end of the chapter, is greater than the total given in previous tables.
During this period, from December, 1924, to March, 1931, the Republican party had a majority in both the House and the Senate; this majority, in the Senate, ranged from 56 Republicans and 39 Democrats in the 1st sessions of the 69th and 71st Congresses to 49 Republicans and 45 Democrats during the 1st session of the 70th Congress. In the House, the greatest Republican majority, 267 to 163, occurred in the 71st Congress, 1st session; the smallest majority in the 2nd session of the 70th Congress when 232 Republicans and 194 Democrats were returned to office. The office of President was also occupied by two Republicans during this period of slightly more than six years—Coolidge and Hoover.

During these eight sessions of Congress, members of the two major parties introduced almost an equal number of resolutions; Democrats sponsored 54 resolutions and Republicans 53. Of the Democratic total, 37 resolutions were introduced by Senators and the remaining 26 by Representatives. On the basis of these totals, it seems that the majority party was not overly concerned with the...
possibility of embarrassing their own Republican Chief Executive. This was particularly true in the House, since 9 more resolutions were introduced by Republicans than by Democrats in the House.

<table>
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In regard to types of resolutions introduced by members of each of the major parties, it is evident that Republicans were particularly active in initiating "direct request" resolutions and resolutions expressing the opinion of one or both of the two houses. Of the 32 resolutions embodying requests for specific action introduced during this period, 16 were sponsored by Democrats and 15 by Republicans; 20 of the 27 resolutions expressing congressional opinion introduced and 4 of the 5 resolutions resolutions which were passed were Republican measures. It is true that resolutions can express an opinion which

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7 The five categories in this table correspond to the five types of resolutions listed at the beginning of the chapter, in a footnote.
supports a past action of the executive; only 3 such resolutions were initiated from December, 1924, to March, 1931. Two of these resolutions were introduced by Republicans, one of which was passed, and one was sponsored by a Democrat.

Resolutions of inquiry were initiated 14 times by Democrats and 11 times by Republicans; 5 of the 6 requests for information which were approved, however, were Republican measures. In light of Mr. Riddick's conclusion, noted above, the fact that Republicans were almost as active as Democrats in introducing resolutions of inquiry supports the view that the majority party risked embarrassing their President an appreciable number of times.

72nd CONGRESS

During the two sessions of the 72nd Congress, from December, 1931, to March, 1933, Herbert Hoover, a Republican President, was faced with a Democratic majority in Congress. In the first session of that Congress, the two major parties had 47 Senators each; in the second session, a vacancy was filled which gave the Democrats a majority of one. In the House, the Democrats had a majority of 4 (213 to 219) and 9 (220 to 211) in the two sessions respectively.
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The total number of resolutions introduced by Democrats during the life of this Congress exceeded the number introduced by Republicans only slightly (13 to 9); the Democrats initiated only 2 more resolutions than the Republicans in each house--9 to 7 in the Senate and 4 to 2 in the House. Only in regard to expression of congressional opinion did the Republicans introduce more resolutions than their Democratic colleagues--3 to 1. In respect of all other types of resolutions, Democrats initiated either as many as or more resolutions than the Republicans: (1) "direct request" resolutions--6 Democratic and 4 Republican; (2) requests for information--3 Democratic and 1 Republican; (3) authorizations for Congressional investigations--1 Democratic and 1 Republican; and (4) resolutions "relating" or "pertaining" to an issue--2 Democratic

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8 The five categories in this table correspond to the five types of resolutions listed at the beginning of this chapter, in a footnote.
and 0 Republican. All of the resolutions dealing with expression of Congressional opinion, requests for information, and authorization of Congressional investigations respectively which were approved were Republican measures.

It is interesting to note that only one resolution supporting the President was introduced in the 72nd Congress and that the sponsor of this House resolution, which was passed, was a Democrat. The difference between the totals for the two major parties, presented above, during this Congress is not sufficient to contend that, when the President and the majority of the members of Congress are of different political affiliation, the majority party will use the congressional resolution more than the minority party in an attempt to embarrass the executive.

73rd THROUGH THE 79th CONGRESS

In March, 1933, a Democratic President, Franklin D. Roosevelt, was inaugurated. From this date until August, 1946, the Democratic party had a majority in both the House and the Senate. This majority reached its peak in the 75th Congress when Democrats out-numbered Republicans 75 to 16 (76 to 16 in the 3rd session) in the Senate and 333 to 88 in the House. The smallest majority in the Senate occurred in the second session of the 79th Congress (56 to 39) and in the House during the second session of the 78th Congress (218 to 208).
The conclusion tentatively stated above, that the majority party, when a President of its political affiliation is in office, will use the resolution only infrequently, in comparison with the minority party, is not substantiated by the performance of Democrats during the 7 Congresses included in this period. Democrats introduced a total of 92 resolutions in the Senate and 111 resolutions in the House between March, 1933, and August, 1946, while Republicans initiated 88 Senate resolutions and 84 House resolutions during the same period. In respect of resolutions passed, however, 13 of the 23 Senate resolutions and 3 of the 44 House resolutions which were approved were sponsored by Republicans.

In regard to resolutions of inquiry, the majority party introduced only 6 resolutions as opposed to 34.

^9The five categories in this table correspond to the five types of resolutions listed in a footnote at the beginning of this chapter.
Republican measures, thus substantiating Mr. Riddick's statement concerning this type of resolution. In respect of each of the other types of resolutions, however, more resolutions were initiated by Democrats than by Republicans:

(1) "Direct request" resolutions--71 Democrat and 50 Republicans; (2) Expressions of congressional opinion--62 Democrat and 56 Republican; (3) Authorizations of congressional investigations--31 Democrat and 21 Republican; and (4) Resolutions "relating" or "pertaining" to an issue--21 Democrat and 8 Republican. During this period of slightly over 8 years, only two resolutions supporting the President were introduced, both by Democrats, and neither of them was passed.

80th CONGRESS

In the Congressional elections of 1947 the Republican party gained control of both the Senate and the House by majorities of 51-45 and 244-187 respectively (in the second session of that Congress the Republican total in the House was increased by 1 as a result of a filled vacancy). Mr. Harry S. Truman, a Democrat, was, of course, still President, and for the second time during the 26-year period covered by this study the President and the majority of Congress were of different political affiliations. The Republican majority, the first since 1931, in the Senate was not large, but was more substantial in the House of Representatives.
### 80th Congress
#### January 3, 1947, to December 31, 1948

<table>
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For the first time, the party in opposition to the President introduced a substantially greater number of resolutions than did the party whose representative occupied the Presidency. In the Senate, 60 out of 81 resolutions introduced were sponsored by Republicans and 77 out of 109 House resolutions were Republican measures. In respect of resolutions of inquiry and resolutions which "related" or "pertained" to an issue, the Republican totals of resolutions introduced were much greater than those of the Democrats, 32 out of 32 of the former type and 36 out of 42 of the latter type being Republican measures. All 32 of the resolutions of inquiry were Senate resolutions; it should be mentioned once again that this figure represents the number of Senators sponsoring a measure, not necessarily the actual

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10 The five categories in this table correspond to the five types of resolutions listed in a footnote at the beginning of this chapter.
number of resolutions introduced. The difference between the totals for the two major parties was not so great concerning the other types of resolutions: (1) resolutions embodying direct requests for action—47 Republican and 30 Democrat; (2) resolutions expressing congressional opinion—17 Republican and 12 Democrat; and (3) resolutions authorizing congressional investigations—5 Republican and 4 Democrat. The figures for this two year period would seem to corroborate the conclusion that the party in Congress opposed to the President tends to introduce more resolutions, particularly resolutions of inquiry, than does the party under the titular leadership of the Chief Executive.

81st CONGRESS

In the 81st Congress, whose life covers the last two years of this study, the Democratic party regained a majority in both houses of Congress, 54 to 42 in the Senate and 263 to 171 in the House (each party lost two members in the House during the second session of this Congress). The President-elect, Mr. Truman, and the majority party of Congress were again of the same political affiliation.
### 1949-1951

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In terms of the total number of resolutions introduced, there is not a significant difference between the records of the two parties; Democrats initiated 185 resolutions and Republicans sponsored 168. There is, however, a substantial difference between the number of Democratic and Republican resolutions introduced in each of the two houses. In the Senate the minority party sponsored 33 more resolutions than the majority party (111 out of 198 resolutions); in contrast to this relationship in the Senate, Republicans in the House introduced 54 resolutions as opposed to 101 Republican proposals. In both houses, however, the majority party sponsored a substantial number of resolutions.

As in the preceding Congress, the party politically opposed to the President initiated all of the resolutions of inquiry, 25; Republican members of Congress also introduced

11 The five categories in this table correspond to the five types of resolutions listed in a footnote at the beginning of this chapter.
7 out of 12 resolutions authorizing congressional investigations and 11 out of 14 resolutions "relating" or "pertaining" to a specific issue. Democrats, however, sponsored 7\(\frac{1}{4}\) "direct request" resolutions and 103 resolutions expressing congressional opinion; their GOP colleagues initiated 39 resolutions of the former type and 86 of the latter type.

It should be noted that in three of the five periods discussed in this chapter (the 68th through the 71st Congresses, the 72nd Congress, and the 81st Congress) the party to which the President belonged had the larger proportion of its resolutions passed, although in the 72nd Congress the President's party, was in the minority. From March, 1933, to August, 1946 (73rd Congress through the 79th Congress), under Democratic Presidents, the Republican minority secured approval of 16 resolutions while only 11 Democratic measures were adopted. These facts would seem to reflect the lack of discipline in the two major political parties and, consequently, an appreciable amount of cross-party voting. Only during the 80th Congress did the party of which the President was a member introduce considerably fewer resolutions than the opposition.

The data presented above lends little support to the hypothesis stated at the beginning of this chapter, namely, that the President's party tends to introduce few resolutions, both absolutely and in comparison with the
number initiated by the opposition, because of the possibility of embarrassing the Chief Executive. In regard to resolutions of inquiry, however, the activity of parties in Congress during all but the first 5 years of this 26-year period fairly well substantiates Mr. Riddick's statement; during that first five years, the Republican majority, as previously noted, introduced almost one-half of the resolutions of inquiry, and 5 of the 6 resolutions of this type which were approved were sponsored by Republicans.
Only those resolutions which deal with one of the six subjects listed on page one of this chapter are included in this table. The five categories in the table correspond to the five types of resolutions, also listed on page one of this chapter.

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CHAPTER VI

In previous chapters, the resolutions introduced from December, 1924, to January, 1951, have been studied from various points of view. It is the purpose of this chapter to illustrate, by the study of selected resolutions, the uses to which they have been put in actual practice by one or both of the houses of Congress. The historical frame of reference for each resolution discussed in this chapter will be mentioned briefly and, where possible, the extent to which the purposes of each were attained by executive action will be pointed out.

All resolutions upon which this chapter is based were passed by one or both of the houses of Congress as intended by their introducers. With one exception, they embody either a direct request for action by the executive branch of the government or an expression of congressional opinion, and therefore they go to the heart of the problem of the control of American foreign policy. The resolutions which will be discussed have been selected either because of the importance of the subject with which they dealt or because they illustrate unusually well the ways in which the resolution can be used.
THE PERMANENT COURT OF INTERNATIONAL JUSTICE
AND THE INTERNATIONAL COURT OF JUSTICE

The treaty of Versailles, which formally brought hostilities with Germany to an end in 1919, also contained the Covenant of the projected League of Nations. In 1920, in accordance with article 14 of the Covenant, the Council of the League drew up a proposed Statute for an international court. The Statute was adopted and came into effect in September, 1921. Two resolutions dealing with the question of United States membership in the new World Court were passed by the Congress, one by the Senate and one by the House.

On March 3, 1925, House Resolution 425, "Favoring membership of the United States in the Permanent Court of International Justice" was approved by a vote of 303 for, 28 against, and 100 not voting.\(^1\) In the first session of the following Congress, on January 27, 1926, the Senate voted favorably, but conditionally, on the issue of American membership in the World Court by recommending ratification of the Statute, which was in effect a treaty.\(^2\) Five reservations and two understandings were attached to the protocol by Senate Resolution 5. The five reservations were:

1. Adherence by the United States to the Statute "shall

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\(^1\)Congressional Record, 68th Congress, 2nd Session, p. 5414. A copy of this resolution may be found on page 5404 of this volume.

\(^2\)Congressional Record, 69th Congress, 1st Session, p. 2825.
not be taken to involve any legal relation on the part of
the United States to the League of Nations or the assumption
of any obligations by the United States under the treaty
of Versailles;" (2) "The United States shall be permitted
to participate through representatives designated for the
purpose and upon an equality with the other states, members,
respectively, of the Council and Assembly of the League
of Nations, in any and all proceedings of either the
Council or the Assembly for the election of judges or
deputy judges of the Permanent Court of International
Justice or for the filling of vacancies;" (3) "The United
States will pay a fair share of the expenses of the Court
as determined and appropriated from time to time by the
Congress of the United States;" (4) "The United States may
at any time withdraw its adherence to the said Protocol
and that the Statute for the Permanent Court of International
Justice adjoined to the Protocol shall not be amended without
the consent of the United States," and (5) "The Court shall
not render any advisory opinion except publicly after due
notice to all states adhering to the Court and to all
interested states and after public hearing or opportunity
for hearing given to any state concerned; nor shall it,
without the consent of the United States, entertain any
request for an advisory opinion touching any dispute or
question in which the United States has or claims an interest."
In addition to these five reservations, two understandings
were also attached to the Protocol: (1) "... recourse
to the Permanent Court of International Justice for the settlement of differences between the United States and any other state or states can be had only by agreement thereto through general or special treaties concluded between the parties in dispute;" and (2) the "adherence to the said Protocol and Statute hereby approved shall not be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall adherence to the said Protocol and Statute be construed to imply a relinquishment by the United States to its traditional attitude toward purely American questions."  

As previously noted, the Senate approved of American membership on January 27, 1926. The reservations attached to the Protocol by that measure were, of course, subject to the approval of the other signatory nations before United States adherence to the Court would become effective. Following the action of the Senate, negotiations resulting in a conference of the governments signatory to the Protocol of Signature at Geneva in September, 1926, were held. This conference drew up a proposal accepting the reservations imposed by the Senate; this proposal, particularly in respect of the reservation pertaining to advisory opinions, was not acceptable to the United States however. Negotiations were re-opened in 1929 by Secretary of State

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3Ibid., pp. 2821-2825.
Kellogg, culminating in the appointment of a Committee of Jurists. This Committee adopted a plan submitted by Mr. Elihu Root, who was a member of that body. The Committee's proposals were approved by a second Conference of Signatories; on September 14, 1929, the Conference formulated a Protocol for the accession of the United States. This document was signed by President Hoover and Secretary of State Stimson on December 9, 1929. It could not be made effective, however, until approved by the Senate. 4

Mr. Hoover's successor, President Roosevelt, actively favored approval of the Court Protocols, as did Mr. Stimson's successor, Secretary of State Cordell Hull. In 1932 and 1935 the Senate Committee on Foreign Relations submitted to the upper house reports favoring such action. Nonetheless, on January 29, 1935, the Senate defeated by seven votes a proposal for ratification. 5 The proposed acceptance actually received 52 favorable votes against 36 negative ballots; it was defeated because of the lack of a two-thirds majority. 6

4Manley O. Hudson, The World Court, 1921-1938, pp. 238-238.

5The resolution in favor of ratification differed from ordinary Senate resolutions in that it was a resolution giving the "advice and consent" of the Senate and was submitted by the Executive under the treaty-making power. The resolution defeated in 1935 contained both of the understandings included in Senate Resolution 4, cited above. The only reservation specified in the 1935 resolution was the one dealing with advisory opinions.

6Ibid.
With this historical background on the question, we may now note that House Resolution 425, cited above, which favored United States membership in the Court, could not be implemented. The Senate's final action, by which reservations were attached to the Protocol, did not result in United States adherence to the Statute of the Court. In fact, the inability of the other signatory nations to agree to the reservations spelled out in that resolution can be cited as one of the primary reasons for the defeat of the Protocol of 1935.

With the creation of the United Nations, the World Court was reconstituted as the International Court of Justice. Since the United States was one of the original members of the United Nations, a status she had never acquired in respect of the League, the question of United States adherence to the new International Court of Justice arose. In marked contrast to the action taken in regard to the World Court, the Senate not only approved of United States membership, but also accepted the compulsory jurisdiction of the new Court except in matters of domestic jurisdiction. The question of domestic jurisdiction had not been raised by the 1926 or the 1935 resolutions. On August 2, 1946, in the 2nd session of the 79th Congress, Senate Resolution 196 was approved by the upper house by a vote of 60 to 2; this measure proposed the "acceptance of compulsory jurisdiction of the International Court of
Justice by the United States Government." The President sent a copy of this resolution to the Registrar of the Court.

SETTLEMENT OF INTERNATIONAL DISPUTES AND CLAIMS

The Congressional resolution can be used to submit advice or opinion to the Chief Executive concerning international disputes or claims settlements to which the United States is a party. Such resolutions may deal either with the objectives to be sought in the settlement or the method by which the dispute is to be handled. One resolution was passed concerning the manner in which a controversy should be handled, and two resolutions dealing with claims commissions were approved between December, 1926, and March, 1931.

In 1925 the Mexican Government passed a law changing the legal status of oil interests from that of private property rights to that of a government concession. The application of this law was the cause of considerable controversy between the United States and the Mexican Governments because of American oil interests in Mexico. On January 27, 1927, the United States Senate passed a resolution (S. Res. 327) advising the President to use arbitration as a means of settling the dispute.  

7 Congressional Record, 79th Congress, 2nd Session, p. 10706.
8 Congressional Record, 69th Congress, 2nd Session, p. 2233.
Coolidge, however, chose to disregard the advice of the Senate on this matter. This action on the part of the President clearly illustrates the fact that simple resolutions are not binding upon the executive. ⁹

Another aspect of United States-Mexican relations during the 1920's was the question of settling claims of United States citizens against the Mexican Government and claims of Mexican citizens against the United States Government. As a step toward improving diplomatic relations, a General Claims Commission and a Special Claims Commission were created by Conventions of September 8 and September 10, 1923, respectively. The Special Claims Commission was to consider claims of United States citizens against the Mexican Government growing out of acts of revolution which took place from December, 1910, to May, 1920. The General Claims Commission had the authority to hear claims registered by the citizens of either country against the Government of the other since July 4, 1868, with the exception of claims being dealt with by the Special Claims Commission. ¹⁰

On February 20, 1931, in the 3rd session of the 71st Congress, S. Res. 480 "Favoring negotiation of an agreement with Mexico for an extension of the duration of the General Claims Commission and the Special Claims Com-

mission" was approved. The life of the General Claims Commission was extended until October 31, 1937. The Special Claims Commission, however, rendered only one decision. This decision aroused opposition in the State Department as being unjust; consequently, the United States refused to co-operate further with the Commission. In 1934, long negotiations finally resulted in a lump-sum settlement of the special claims. The United States subsequently set up its own Special Claims Commission by an Act of Congress. Although S. Res. 480 had been implemented in respect of the General Claims Commission, it was not given effect with respect to the Special Claims Commission; the action on the latter called for by the resolution was not taken because the United States had refused to co-operate further with that Commission and was negotiating for a lump-sum settlement.\(^1\)

The problem of the settlement of claims was the subject of another resolution in the 71st Congress. After failing to ratify the Treaty of Versailles, the United States made a separate peace with Germany. Under the provisions of this agreement, the Treaty of Berlin, a Mixed Claims Commission was created on August 10, 1922 to hear claims arising out of war damage. It was originally agreed

\(^{11}\) Congressional Record, 71st Congress, 3rd Session, p. 5493.

that the Commission and the German agent had to be notified of all claims which were to be considered by April 9, 1923, within six months after the first meeting of the Commission. The date of notification was changed, however, to include claims submitted to the State Department not later than July 1, 1928, by an agreement of December 31, 1928.\(^{13}\) On June 2, 1930, the Senate passed a resolution (S. Res. 264) requesting the President to negotiate an agreement with Germany changing the final date of notification to March 10, 1931.\(^{14}\) Such an agreement was not concluded, however, and claims submitted after July 1, 1928, were not considered by the Mixed Claims Commission.

ECONOMIC POLICY

During the early part of the 1930's, international economic policy became increasingly important as the domestic economies of many nations were in varying degrees of depression. In the period from 1931 through 1933, two resolutions were passed by the Senate and one by the House pertaining to an international economic conference.

On February 20, 1931, the Senate approved a resolution dealing with the problem of the over-supply of silver on the world market, and the resulting depression of

\(^{13}\)Wormser, op. cit., p. 232.

\(^{14}\)Congressional Record, 71st Congress, 2nd Session, p. 9863.
its price. This measure (S. Res. 442) requested the President to "enter into discussion or negotiations with the Governments for India, Great Britain, France, Belgium, and other governments, looking to the suspension of the policy and practice of governments melting up or debasing silver coins and sales by governments of silver; and that he take such other and further action in the premises as he may deem necessary to eliminate the abnormal fluctuations and depressions in the price of silver." The resolution further suggested "that the President, if he deem it compatible with the best interests of the Government, call or obtain an international conference, or international conferences, to the end that agreements or understandings may be obtained with respect to the uses and status of silver as money." 15 This resolution was not implemented in the sense either of the conclusion of agreements pertaining to the policy of foreign governments on silver or of the holding of an international conference for the purpose of clarifying the proper "uses and status of silver as money."

During the year following the passage of the resolution discussed above, no general international economic conference was held. Negotiations on a limited basis between various governments were conducted, however, and some steps were taken to alleviate the depressed economic situation.

15 Congressional Record, 71st Congress, 3rd Session, p. 4557. The approval of this resolution is reported on page 5493 of this volume.
In December, 1931, a joint resolution providing for one-year moratorium on war debts was passed by the United States Congress and signed by President Hoover. During the same month, a Franco-German economic conference met in Berlin and decided to establish cartels in various industries.

In April, 1932, a Four-Power Conference (Britain, France, Germany, and Italy) met in London to discuss the problem of economic relief for the Danubian area. The conference adjourned, however, without reaching any agreement.

The following month the Little Entente nations met in Belgrade to discuss the possibility of economic co-operation with Central European states. This conference declared itself in favor of the French plan for a five-power Danubian union. On June 16, 1932, the reparations conference at Lausanne opened. 16

On June 17, 1932, the House of Representatives passed a resolution (H. Res. 247) "approving and encouraging the efforts to hold an international economic conference." 17 Slightly less than a month later, on July 8, the participants in the Lausanne Reparations Conference agreed that a World Economic Conference be held the next year. 18

17 Congressional Record, 72nd Congress, 1st Session, p. 13317.
18 Lippmann, op. cit., p. 341.
September, the delegates of fifteen countries met at Stresa to discuss the financial and economic reconstruction of the Danubian state. It is, of course, impossible to determine the extent to which House Resolution 247 influenced the decision arrived at by the Lausanne Conference, but it is obvious that the purpose of the measure was fulfilled by the decision to hold a World Economic Conference.

The international economic conference decided upon at Lausanne was convened in May, 1933. On May 8 the United States Senate approved a resolution (S. Res. 67) which authorized the representatives of that country "to work unceasingly for the remonetization of silver on the basis of 16 to 1." The monetary policy of the United States at this time was not one of bi-metallism, either domestically or internationally; consequently, the delegates to the international conference were not instructed by the President in accordance with the Senate Resolution. It is quite probable that this resolution, as well as Senate Resolution 442

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20 *Congressional Record, 73rd Congress, 1st Session*, p. 2967.
introduced in the 71st Congress, cited above, is an example of the resolution being used to please or appease constituents; both of these measures were introduced by silver state senators, Wheeler of Montana and Pittman of Nevada respectively.

PROBLEMS ARISING FROM WORLD WAR II

As with any war, World War II gave rise to a host of problems, both during actual hostilities and after the fighting had ceased. Between 1941 and 1945, three resolutions dealing with three such problems were introduced and passed by one or both houses of the United States Congress.

From the fall of France in 1940 until operation OVERLORD in June, 1944, almost all of Europe was under the control of Nazi Germany. The activities of the occupying army, and particularly of the SS troops, in regard to the civilian populations of the occupied areas was viewed with growing indignation and wrath by the Allied nations. On March 18, 1943, the two houses of Congress approved a concurrent resolution (S. Con. Res. 9) "Condemning outrages inflicted upon civilians in the Nazi-occupied countries and favoring punishment of persons responsible therefor."21 It is obvious that no positive action could be taken to implement this resolution until such time as Nazi Germany was defeated. It seems, however, that this measure did reflect

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21 Congressional Record, 78th Congress, 1st Session, pp. 1723, 2184. A copy of this resolution may be found on page 2184 of this volume.
the growing sentiment that such men should be punished. In the fall of 1943, at a conference of the three great Allied Powers, it was decided that war criminals should be brought to trial and punished; in October of that year a meeting was held in London between the representatives of 13 Governments for the purpose of creating a commission which was to gather facts pertaining to war criminals and was also to act as an advisory body to the respective governments.

On May 7, 1945, the House of Representatives approved a concurrent resolution (H. Con. Res. 39) containing the following provisions: (1) The United States should cooperate with her allies in the determination of which persons should be brought to trial or summarily punished as war criminals; (2) No accused person was to be exempt from trial by virtue of his status in the government or the military forces, and "acts of state" or obedience to orders from superiors would not excuse war crimes; and (3) The United States was to join with other nations in using all available means, in addition to extradition treaties, to secure the person or property of those determined to be war criminals and who had fled, or might flee, to a neutral

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22 Thad W. Riker, A History of Modern Europe, p. 748.
nation or to any nation which would grant them sanctuary.\(^{23}\)

In July, 1945, the Potsdam Agreement clearly stated that war criminals were to be arrested and brought to trial. After the cession of hostilities, a United Nations Commission provided for the creation of an international military tribunal which would conduct the trial of the war criminals. With the creation of the Joint Military Tribunal, the instrumentality existed through which the action contemplated in the March, 1943, resolution could be implemented. The trials resulted in the execution of some of the major war criminals and the imprisonment of an appreciable number of major and minor war criminals, thus fulfilling the purpose of the resolutions cited above.

What part, if any, these resolutions may have had in paving the way for the trials would be difficult to say. Very likely the President would have cooperated in the project without the resolutions. That the support of Congress which the resolutions assured strengthened his purpose and enabled him to negotiate with more confidence is, however, quite possible.

Another major problem connected with Nazi occupation of most of the continent of Europe was the subject of a resolution approved by the House of Representatives on

\(^{23}\)Congressional Record, 79th Congress, 1st Session, p. 4289. The text of the resolution is on pages 4281-4282 of this volume.
April 17, 1944. On that date H. Res. 221, "Favoring action looking to relief for starving peoples of Europe," was passed by the lower house. The purpose of this resolution was primarily to work out a plan whereby the populations of occupied Europe could be supplied with food through international agencies or through neutral governments. The governments-in-exile had already indicated their willingness and ability to pay for surplus American food-stuffs which were available. The major problem was, of course, to administer the program in such a way that neither side would secure a military advantage from its operation. It was suggested that Swedish ships be used to transport the supplies. It is true that some medical supplies and food-stuffs were sent to occupied areas during World War II, but the type of program envisioned by House Resolution 221 was not implemented, at least on the scale called for by that measure. The purpose in this resolution was later reflected in the creation of such agencies as UNRRA and other organizations which were set up to alleviate conditions of starvation and the lack of sanitary facilities.

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The problem of minority groups had plagued the countries of Europe during the entire inter-war period. Their treatment by the Nazis, both in Germany and in German-occupied countries, focused world attention particularly upon the Jewish minorities, both before and during the second World War. Closely tied to this problem was that of creating a home for the Jews in Palestine or at least of allowing an unlimited immigration of members of this minority group into that area.

During the Presidential campaign of 1944 in the United States, both of the major parties had gone on record as favoring unrestricted immigration to Palestine by Jews and the creation of a Jewish State in that region. During the first session of the 79th Congress, a concurrent resolution dealing with this subject (S. Con. Res. 444) was introduced in the Senate. This measure commended the President for the interest he had taken in attempting to find a solution for this problem. It further states that it was the opinion of Congress that the United States should use its good offices with the mandatory power, Great Britain, "to the end that Palestine shall be opened for free entry of Jews into that country to the maximum of its agricultural and economic potentialities." On

26 J. Pratt, A History of United States Foreign Policy, p. 759.
27 Congressional Record, 79th Congress, 1st Session, p. 11881.
December 17, 1945, the Senate approved this resolution; two
days later similar action was taken in the House. 28

On May 15, 1948, Great Britain, as had previously
been announced, surrendered its mandate over Palestine.
This action was something of an anti-climax. On November 29,
1947, the General Assembly of the United Nations had recom-
mended partition of the area in order to provide for the
creation of a Jewish state. War between Israel and the Arab
states broke out almost immediately. The State of Israel
was proclaimed on May 14, 1948, the day before the British
mandate officially ended. The United States extended
de facto recognition within a few minutes after the new state
had been formally proclaimed. 29 By this action, the
purpose of Senate Concurrent Resolution 44, passed approxi-
mately three years earlier, was, for all practical purposes,
fulfilled. That resolution had stipulated, as noted above,
that Palestine should be opened for free entry of Jews
"to the maximum of its agricultural and economic potential-
ities." 30 While the United States supported the action by
the United Nations, the good offices and mediatory efforts
of the international organization were used instead of those
of the United States, as had been contemplated by the res-
olution.

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28 Ibid., pp. 12189, 12396. A copy of this resolution
may be found on page 12396.
29 Pratt, op. cit., pp. 759-760.
30 Congressional Record, 79th Congress, 1st Session,
p. 11881.
Problems related to the creation and functioning of the United Nations were the subjects of many resolutions in both houses of Congress during the period from 1943 to 1950. Well before the end of the war, Congress had gone on record as favoring the creation of an international organization which was to be powerful enough to maintain the peace. The House of Representatives first approved the idea. On September 21, 1943, House Concurrent Resolution 25, the so-called "Fulbright Resolution," was approved in the lower house by a vote of 360 for, 29 against, 40 not voting, and 1 recorded as "present". This resolution expressed the opinion of the House as favoring the creation of an international organization "with power adequate to establish and to maintain a just and lasting peace, among the nations of the world, and as favoring participation by the United States therein." Slightly less than a month later, the Senate approved the "Connally Resolution" (S. Res. 192) by an overwhelming vote of 85 for, 5 against, and 6 not voting. The purpose of this resolution was the same as that of the "Fulbright Resolution" in the House, to register approval of the proposed establishment of an international authority. Through this resolution,

31 Congressional Record, 78th Congress, 1st Session, p. 7728.
32 Ibid., p. 7725.
33 Ibid., p. 9221.
the Senate expressed itself in favor of: (1) Cooperation by the United States, through its constitutional processes, with other nations in the "establishment and maintenance of an international authority with power to prevent aggression and to preserve the peace of the world;" (2) "there being established at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security;" and (3) any treaty made on behalf of the United States Government must be approved by a two-thirds vote in the Senate before it will become effective.\(^\text{34}\)

In the first session of the 79th Congress, three measures pertaining to the new international organization were approved. On May 22, 1945, the House of Representatives passed House Resolution 215 which urged "the formation of an organization to be known as the International Office of Education." During the debates on this measure, its sponsor, Mr. Mundt, indicated that the resolution was directed at least partially to the San Francisco Conference, then in session. He made it clear, however, that the resolution was not to be interpreted as being directed solely at the San Francisco Conference. Before passage, the title of the measure was amended to read "A resolution urging the

\(^{34}\text{Ibid.},\text{ p. 9222.}\)
creation of an international educational and cultural organization." It was also clearly stated that "such agency shall not interfere with educational systems or programs within the several nations, or their administration."

Two days later, on May 25, Senate Resolution 122, which was virtually identical to the measure sponsored in the House by Mr. Hundt, was approved. It is, of course, difficult to ascertain the degree to which these resolutions influenced the participants at the San Francisco Conference. It seems, however, that the type of international organization called for in House Resolution 215 and in Senate Resolution 122 is quite similar to one of the specialized agencies, the United Nations Educational, Scientific, and Cultural Organization. This organization was created at a conference in London in November, 1945; the constitution was signed on November 16 and came into force on November 4, 1946, upon the ratification of that document by 20 of the signatory nations. UNESCO was brought into the framework of the United Nations as a specialized agency by an agreement which was approved by the General Assembly on December 14, 1946.

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35 Congressional Record, 79th Congress, 1st Session, pp. 7699-4700.
36 Ibid., p. 4966.
One of the questions which arises in connection with the creation of any large organization, national or international, is that of the location of the central headquarters. Many sites were suggested for the United Nations, officially and unofficially, by different countries. The invitation of the United States to the United Nations to locate the seat of government in this country was embodied in H. Con. Res. 75. This resolution was approved by the House on December 10, 1945, and by the Senate one day later.  

Four days after the Senate approved H. Con. Res. 75, the Preparatory Commission of the United Nations made a definite recommendation favoring the location of the permanent headquarters of the international organization in the United States. This recommendation, in the form of a resolution, was approved first by a General Assembly committee, and then, without discussion, by the General Assembly itself on February 14, 1946. The final resolution of the Assembly provided that the permanent headquarters should be located either in New York and/or Connecticut.  

In the second session of the 80th Congress, the Senate, while "reaffirming the policy of the United States to achieve international peace and security through the

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36 Congressional Record, 79th Congress, 1st Session, pp. 11748, 11787.
United Nations," passed S. Res. 239 indicating some of the objectives to be pursued by the United States within the international organization. This measure was approved on June 11, 1948 by a vote of 64 to 4, with 28 not voting.  

A total of six major objectives of United States policy were spelled out by S. Res. 239. These objectives were:

(1) Voluntary agreement to remove the veto from all questions involving pacific settlement of international disputes, and situations, and from the admission of new members. (2) Progressive development of regional and other collective arrangements for individual and collective self-defense in accordance with the purposes, principles, and provisions of the Charter. (3) Association of the United States, by constitutional process, with such regional and other collective arrangements as are based on continuous and effective self-help and mutual aid, and as affect its national security.  

(4) Contributing to the maintenance of peace by making clear its determination to exercise the right of individual or collective self-defense under article 51 should any armed attack occur affecting its national security. (5) Maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by the Charter, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guaranty against violation. (6) If necessary, after adequate effort toward strengthening the United Nations, review of the Charter at an appropriate time by a general conference called under article 109 or by the General Assembly.  

Since the passage of this resolution, three of the objectives listed above have been implemented to an appreciable extent. These three are, of course, those dealing with

\[4.0\text{Congressional Record, 80th Congress, 2nd Session, pp. 784.6.}\]

\[4.1\text{Ibid., pp. 6053-6054.}\]
collective and individual self-defense. The formation of the North Atlantic Treaty Organization clearly constitutes a major step toward making effective the collective self-defense called for by the second and third objectives listed above. The commitment of United States troops to Korea in June, 1950, would seem to be sufficient evidence of this country's "determination to exercise the right of individual or collective self-defense under article 51 should any armed attack occur affecting its national security."

The remaining three objectives are still the subjects of debate and attempts continue to be made to find means whereby the problem of the veto and that of disarmament can be settled. The question of providing the United Nations with armed forces has been broached several times, but as yet no nation has made the necessary agreements with the international organization to furnish a stipulated number of troops and amount of material. In regard to revision of the United Nations Charter, that question was put on the agenda of the General Assembly at the tenth annual session, in accordance with the provisions of article 109 of the Charter. At that session, on November 22, 1955, the General Assembly approved a resolution which provided that a review conference should be held at an "appropriate" time; the date of such a conference is to be determined at the 1957 session.\textsuperscript{42}

PROBLEMS CONNECTED WITH EUROPEAN COMMUNIST ACTIVITY

During the five post-war years covered by this study, the emergence of the Soviet Union as one of the two greatest powers in the world was manifest. The obvious ideological tie between the Communist Party of the Soviet Union and communist parties of other countries came to be viewed as increasingly significant by other powers because of the enhanced world position of the U.S.S.R. The advent of an appreciable number of communist governments, primarily in eastern Europe, and the activities of some of these governments, gave further cause for concern, as did the activity of communist parties in countries whose government were not yet controlled by that party. Two problems connected with this general problem were the subjects of congressional resolutions during the 81st Congress.

In December, 1948, Josef Cardinal Mindszenty of Hungary was arrested by the Hungarian Government and charged with treason, espionage, and black market dealings. The Cardinal was brought to trial on February 3, 1949, found guilty, and sentenced to life imprisonment. During the same period, Archbishop Stepinatz of Yugoslavia had been tried and imprisoned by the Yugoslav Government. On February 9, one day after Cardinal Mindszenty was sentenced, the House of Representatives unanimously approved H. Con. Res. 19.43

This resolution stated that the cases of both Stepinatz and Mindszenty constituted religious persecution in violation of the principles of the United Nations Charter and that the matter "should be raised by the United States either in the United Nations or by such other means as may be most appropriate."\(^{44}\) This measure was referred to the Senate Committee on Foreign Relations on February 10, but no action was taken on it by the upper house.\(^{45}\)

At least partly because of this and many other protests from abroad, the Vatican excommunicated all persons connected with the prosecution and sentencing of Cardinal Mindszenty on February 12.\(^{46}\) On March 30, 1949, formal notes were presented to the Governments of Bulgaria, Hungary, and Rumania by the United States and the United Kingdom in which the record of the former countries in regard to repressive acts against political parties, the press, the churches, and the population at large was unfavorably contrasted with the obligations to protect human rights and fundamental freedoms which those countries had assumed by treaty. The notes further called upon those governments to "adopt prompt remedial measures" and to specify the procedure by which they intended to fulfill their obligations.\(^{47}\)

\(^{44}\) Congressional Record, 81st Congress, 1st Session, pp. 1081-1082.

\(^{45}\) Ibid., p. 1111.

\(^{46}\) Stebbins, *op. cit.*, p. 540.

\(^{47}\) Ibid., pp. 247-248.
approved Senate Resolution 102 "Favoring the protest in the United Nations of the persecution of certain clergymen in Hungary, Yugoslavia, and Bulgaria," by a unanimous vote, thus putting both houses on record as condemning the proceedings against the church leaders.\(^48\)

On April 30, the General Assembly adopted a resolution in which that body expressed its "deep concern at the grave accusation" directed at Bulgaria and Hungary, "urgently" reminded those countries of their treaty obligations, and decided to keep the question on the agenda for the fall session. This measure was adopted by a vote of 34 to 6; the only opposition came from the Communist bloc nations.\(^49\)

The Vatican acted again on July 13. On that date a decree was issued which excommunicated all Roman Catholics who "persistently follow Communist doctrines," and denied the sacraments "to Catholics who read Communist writings or expose themselves to Communist teachings."\(^50\) On August 1, the United States and the United Kingdom asked the Governments of Bulgaria, Hungary, and Yugoslavia to co-operate in the appointment of three-man commissions which would then consider the dispute. Although this procedure was the one spelled out in the peace treaties, the requests were rejected. In September, the United States brought the issue before the General Assembly in accordance with S. Res. 102 and

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\(^{48}\) Congressional Record, 81st Congress, 1st Session, p. 4268.


\(^{50}\) Stebbins, op. cit., p. 527.
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With the support of Canada and Bolivia, a United States resolution was introduced in the General Assembly requesting the International Court of Justice to render an advisory opinion upon the legal questions involved in this case. The questions which the Court was asked to consider were: (1) Did a "dispute" exist within the meaning of the peace treaties; (2) If an affirmative answer was given to the first question, were the three Balkan Governments obligated to appoint their representatives to the three-man commissions provided for by treaty; (3) Could the Secretary-General of the United Nations appoint a member of a commission if one of the parties to the dispute failed to do so; (4) Would a commission composed of only two members have the authority to make binding decisions. This resolution was adopted on October 22 by a vote of 47 to 5, with 7 abstentions. On March 30, 1950, the International Court, by a vote 11 to 3, rendered an affirmative opinion on the first two questions.

The conflict in Greece between Communist guerrillas and Government forces was another manifestation of the post-war struggle for supremacy in the Balkan area.

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51 Ibid., p. 271.
53 Stebbins, op. cit., p. 272.
By mid-1949 most of the guerrilla resistance had collapsed; the United Nations Special Committee on the Balkans, which had been created during the civil war, continued to carry out its assigned function of observation along the northern Greek frontier. This Committee reported, in the fall of 1949, that guerrilla forces still constituted a threat to Greece and that Albania, in particular, was guilty of rendering aid to such guerrillas and of permitting them to re-enter Greece for purposes subversive of that government. The Committee further noted that a large number of guerrillas were in the satellite countries, and that the disarmament of these forces had never been verified. Particular attention was directed by the Committee to the fact that thousands of Greek children who had been deported were still being held prisoner in countries of Eastern Europe.54

The United States Congress took cognizance of this situation during 1950. On March 22 the House of Representatives adopted a resolution (H. Res. 514) "To help bring about the return of Greek children to their homes in Greece."55 Approximately five months later, on September 13, 1950, S. Res. 212 which requested the President "to take action looking to the return to Greece of children abducted by Com-

55Congressional Record, 81st Congress, 2nd Session, p. 3812.
munist guerrilla forces in that country" was passed by the upper house. 56

In December, 1950, the General Assembly of the United Nations approved by a vote of 50 to 0, with 5 abstentions a resolution, sponsored by Australia, Denmark, France, and the Netherlands, bearing on this subject. 57 This measure contained the following provisions: (1) A recommendation that the Greek military personnel who had been captured and/or abducted by the guerrillas should be voluntarily repatriated; (2) The United Nations Special Commission for the Balkans was to be continued for another year; (3) A renewed effort was urged for the purpose of securing the early return of the Greek children to their parents. 58

The fact that this matter was brought before the United Nations represented at least a partial fulfillment of the purposes spelled out by the two congressional resolutions concerned with this subject. While it is true that the United States was not one of the sponsors of the draft resolution which was passed in December, 1950, the representative of this country did make a statement in support of

56 Ibid., p. 14667.
it during the debate in the General Assembly. Of the total of 23 resolutions which were discussed in this chapter, 13 were implemented by executive action. In some cases, however, the implementation took place several years after the resolution had been passed. An additional 2 resolutions were partially implemented, leaving 8 resolutions the purpose of which were not subsequently fulfilled. None of the measures discussed in connection with economic policy were implemented and only one resolution dealing with a World Court was implemented; in respect of the other four subjects discussed above—settlement of international disputes and claims, problems arising from World War II, the United Nations, and problems connected with post-war European communist party activity—12 of the 15 resolutions were at least partially implemented.

CHAPTER VII
UNITED STATES-SOVIET RELATIONS, 1925-1950

The purpose of this chapter, as of the immediately preceeding one, is to show, by references to specific situations and resolutions, how and why the congressional resolution was used during the 26-year period covered by this study. The subject of the chapter, "United States-Soviet Relations," will be discussed only from the point of view of the congressional resolutions bearing on the relations between the two countries which were introduced between December, 1925, and January, 1951. It is taken up here not only because of the considerable number of resolutions introduced bearing upon the relationships between the two countries, but also because of the importance of those relationships in American foreign policy. In contrast to the resolutions considered in the previous chapter, none of the measures which form the basis of this discussion was passed by either of the houses of Congress. For that reason this chapter will also bring out some facts regarding the many resolutions introduced which are not adopted.
1925-1933

In March, 1917, the Tsarist Government of Imperial Russia was overthrown by revolution; its first successor was a Provisional Government under the titular leadership of Prince Lvov, who was soon replaced by Alexander Kerensky. This short-lived Government was unseated by a Bolshevik coup d'état in November of that year, marking the beginning of what was to become the Union of Soviet Socialist Republics.

Formal recognition of the new regime was not immediately forthcoming; the victorious Allies feared the possible repercussions at home of recognizing a revolutionary Government. In 1921, however, Great Britain and the Soviet Union concluded a trade agreement, an act which constituted at least de facto recognition.¹ The following year Germany became the first state to recognize the U.S.S.R. formally; this action was provided for by the provisions of the Treaty of Rappallo. In 1924, under the Labor Government of Ramsey MacDonald, Great Britain formally recognized the Soviet Union. British recognition was followed by similar action on the part of France, Italy, and many of the smaller states soon afterwards.²

The United States maintained a policy of non-recognition through the 1920's. On December 10, 1925, however,

¹Riker, op. cit., p. 637.
²Ibid.
Senator Borah of Idaho introduced a resolution "Declaring that the Senate of the United States favors the recognition of the present Soviet Government of Russia." No action was taken on this measure by the Senate. Mr. Borah initiated a similar resolution in each of the succeeding four Congresses: (1) on December 12, 1927 (Congressional Record, 70th Congress, 1st Session, p. 477.); (2) April 18, 1929 (Congressional Record, 71st Congress, 1st Session, p. 120.); (3) December 14, 1931 (Congressional Record, 72nd Congress, 1st Session, p. 446.); and (4) March 10, 1933 (Congressional Record, 73rd Congress, 1st Session, p. 125.). No action was taken by the Senate on any of these resolutions and they were not debated at any time.

The question of recognition was not the only matter dealt with by congressional resolutions prior to the establishment of formal relations between the United States and the Soviet Union. It is true, however, that these resolutions were at least indirectly concerned with that subject. House Concurrent Resolution 17 was initiated by Mr. Fish on March 24, 1926; this measure called for the establishment of official trade relations with the Russian Government. There was no discussion or comment on this resolution. On February 19, 1930, Mr. Fish introduced a concurrent resolution in the House (H. Con. Res. 20) "Protesting against religious..."
persecutions in Soviet Russia". This measure, while disclaiming any right on the part of the United States to intervene in a domestic affair, maintained that the persecution of both Christians and Jews which was being carried out in the Soviet Union was an offense to humanity. The resolution extolled the sympathy of Congress to those being persecuted and affirmed the willingness of that body to cooperate with other governments in attempting to persuade the Soviet Government to cease such action. Finally, it was pointed out that recognition of the Soviet Union by the United States would be "incompatible with the traditions and the institutions of the people of the United States until religious persecution in that country shall have ceased."  

One other resolution not concerned with recognition was initiated before 1933. On December 13, 1930, Senate Resolution 351, authorizing an investigation of "the extent of use of convict labor in the manufacture or production of timber products in territory under the jurisdiction or control of the U.S.S.R.", was introduced. The sponsor of this measure, Mr. Steiwer, made no explanatory statement concerning its ultimate purpose. It seems reasonable to assume,

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5 Congressional Record, 71st Congress, 2nd Session, p. 3962. A copy of the resolution may be found on page 4522 of this volume.

6 Ibid., p. 4522.

7 Congressional Record, 71st Congress, 3rd Session, p. 80.
however, that any information derived from investigation would be related to the question of recognition.

Prior to United States recognition of the Soviet Union, two resolutions dealing with recognition were introduced in the Senate by Mr. King. On February 18, 1933, in the 2nd session of the 72nd Congress, he sponsored a measure calling for an investigation of conditions in the Soviet Union bearing upon the question of United States recognition of that country. This resolution (S. Res. 363) noted that:

1. Propaganda urging the recognition of the U.S.S.R. had been circulated extensively in the United States; (2) The United States had consistently maintained a policy of non-recognition so long as conditions and policies extant in the Soviet Union at the time of its inception continued; (3) Before changing its policy regarding recognition of the U.S.S.R., the United States Government should conduct an extensive investigation on all questions connected with recognition; and (4) The Committee on Foreign Relations, or any sub-committee thereof, was "authorized and directed to make a full and complete investigation of economic, political, and other conditions existing in the Union of Soviet Socialist Republics, including the position of the Russian Soviet Government with respect to recognition by the United States and other Governments, and any other facts bearing upon the question of recognition of the Russian Soviet Government." Mr. King introduced a resolution identical

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Mr. King introduced a resolution identical

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8 Congressional Record, 72nd Congress, 2nd Session, p. 4380.

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with the one just described on March 11, 1933, one day after
Mr. Borah initiated his last resolution calling for the
recognition of the Soviet Union. Neither of their res-
olutions was acted upon by the upper house.

1933-1939

By 1933, the question of recognizing the Soviet
Union was being viewed in a somewhat different light. Stalin's
policy of "Socialism in one country" had been adopted
in preference to Trotsky's desire for a more direct approach
to world revolution. An appreciable number of claims against
the Soviet Government by American citizens and corporations
had been settled, and many of these corporations were doing
business with the U.S.S.R. It was hoped that recognition
of the Soviet Union would operate to open the Russian market
further to American products. As a result of these, and
other factors, Maxim Litvinov, Commissar of Foreign Affairs,
was sent to the United States at the request of President
Roosevelt. Negotiations resulted in the Litvinov Agreement
of November 16, 1933, and the establishment of formal
diplomatic relations between the two countries. By this
agreement, "the Soviet government agreed not to sponsor,
nor to permit within its jurisdiction, propaganda or other
activity aimed at the overthrow of the government of the
United States; to allow religious freedom and protection in
the courts to American nationals residing in Russia; and to

9 Congressional Record, 73rd Congress, 1st Session, p. 197.
negotiate for a settlement of debts and claims."

Slightly over two months after the establishment of diplomatic relations between the United States and the Soviet Union, the question of convict labor in the latter country was again the subject of a congressional resolution. On January 25, 1934, Senator McNary introduced a resolution "Requesting information from the Secretary of the Treasury concerning the use of convict labor in the production of lumber and pulp-wood in European Russia." The Secretary of the Treasury was asked to furnish the Senate with information on a Treasury decision dated January 21, 1934, "in which a finding was made that convict labor is used in the production of lumber and pulp-wood in certain areas in European Russia."

In 1928, the Government of the Soviet Union inaugurated its first five-year plan, which was designed to raise the industrial capacity of that country to a point at least as high as that of any other European country. Along with the emphasis upon heavy industry, a program of forced collectivization of agricultural lands was carried out. The peasants bore the brunt of this program as agricultural products had to be exported to pay for imported machinery. The instrument used to secure agricultural products for export was a system of requisition of farm produce; the

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11 Ibid., p. 668.
12 Congressional Record, 73rd Congress, 2nd Session, p. 1306.
13 Ibid.
result was famine, which hit hardest in the Ukraine. A resolution dealing with this matter was introduced in the House of Representatives on May 28, 1934. This measure (H. Res. 399), which was worded "Relative to the famine in the Ukraine," was not discussed and no indication was given as to whether it called for a specific program, for information, or was merely an expression of opinion on the subject.

In the first session of the 74th Congress, three resolutions were introduced calling for the withdrawal of United States recognition of the Soviet Union. On January 3, 1935, House Concurrent Resolution 2 stating "That the diplomatic recognition by the Government of the United States of American of the Union of Soviet Socialist Republics should be withdrawn" was introduced. Twenty days later a concurrent resolution was introduced in the Senate "Favoring withdrawal of American recognition of the Government of Soviet Russia." Approximately six months later, on August 17, 1935, another House Concurrent Resolution "Proposing withdrawal of diplomatic recognition by the United States of America of the Union of Soviet Socialist Republics" was

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15 Congressional Record, 73rd Congress, 2nd Session, p. 9787.
16 Congressional Record, 74th Congress, 1st Session, p. 58.
17 Congressional Record, 74th Congress, 1st Session, p. 790.
initiated. 18

All of these resolutions were introduced and referred to committee without debate or comment, and no action was taken on them by the committee. During the same session, two resolutions were introduced calling for an investigation of "certain matters" relating to the Soviet Union. Both measures (H. Res. 244; H. Res. 245) were initiated on June 11, 1935; neither specified what "matters" were to be investigated, and neither was discussed. 19

1939-1945

With the outbreak of World War II in September, 1939, the question of United States diplomatic relations with the Soviet Union was again the subject of several resolutions. After occupying a portion of Poland in September, 1939, the U.S.S.R. commenced hostilities against Finland on November 30; the "Winter War" lasted until March 12, 1940, when the Treaty of Moscow was concluded which provided for the cession of the Karelian Isthmus and considerable other territory by Finland to the Soviet Union. 20

In January, 1940, three resolutions were introduced dealing with the future status of diplomatic relations between the United States and the Soviet Union. On January 15, 1940, the:

18 Ibid., p. 13597.
19 Congressional Record, 74th Congress, 1st Session, p. 9081.
20 Riker, op. cit., p. 719.
1940, House Concurrent Resolution 39, calling upon the United States Government "To sever diplomatic relations with the Union of Soviet Socialist Republics of Russia", was initiated. Two days later another concurrent resolution (H. Con. Res. 41) was introduced in the House "Requesting that diplomatic relations between the United States and the Union of Soviet Socialist Republics of Russia be discontinued." The next day Senate Resolution 219 was initiated by Senator Vandenberg "Requesting the President of the United States to report to the Senate whether the Union of Soviet Socialist Republics has fulfilled the obligations of the Litvinov agreements of November 16, 1933." Mr. Vandenberg requested, and was granted, permission to have printed in the Record a statement supporting this resolution which he had made previously. The statement embodied the following conclusions: (1) Recognition of the Soviet Union by the United States was a major blunder; consequently, all diplomatic recognition of this regime which is promoting "world revolution" should be withdrawn; (2) The United States is the only government in North and South America which recognizes the U.S.S.R., a fact which constitutes a break in Pan-American solidarity;

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21 Congressional Record, 76th Congress, 3rd Session, p. 350.
23 Congressional Record, 76th Congress, 3rd Session, p. 457.
(3) The Soviet Union has kept none of the promises which she made in the Litvinov agreements; and (4) A test period of six years has proved these agreements to be worthless. While withdrawal of diplomatic recognition will not automatically save the United States from communism, such action "will symbolize an official purpose at the top (where it most greatly needs to be symbolized) to quit coddling the enemies of our domestic tranquillity and of our institutions." These three resolutions were referred to committee, and no further action was taken on them.

A resolution quite similar to the one sponsored by Mr. Vandenberg (S. Res. 246) was introduced in the Senate on March 15, 1940. This measure called for the suspension of further diplomatic relations with the Soviet Union and the recall of the United States ambassador to that country, primarily because of the Russo-Finnish war. The resolution stated that the United States respected Finland's heroic stand against a numerically superior enemy, condemned wanton aggression, and viewed unfavorably the forced Finnish cession of territory to the U.S.S.R. This resolution also cited the opinion of the State Department that the Soviet Union had not fulfilled its obligations under the Litvinov agreements as an additional reason for recalling the United States ambassador and breaking off diplomatic relations.

\[ \text{\footnotesize \cite{24} Ibid.} \]

\[ \text{\footnotesize \cite{25} Congressional Record, 76th Congress, 3rd Session, p. 2919.} \]
On April 4, 1940, House Resolution 453 requesting that all agreements between the United States and the Soviet Union be dissolved was introduced. 26

As previously noted, none of the resolutions dealing with diplomatic recognition by the United States of the Soviet Union advanced beyond the stage of committee reference. It may be pointed out, however, that those measures calling for the recognition of the U.S.S.R. were implemented in 1933; it is equally apparent that the action contemplated in the resolutions requesting a break in diplomatic relations or withdrawal of recognition was not taken. In both cases, it is impossible to determine the extent to which any one of these resolutions influenced the formulation of policy; it is quite probable, however, that the resolutions calling for the recognition of the Soviet Union were evidence of popular opinion beginning to swing to the support of recognition, and in this respect, the measures were not without importance even though they were not passed.

In addition to the resolutions, discussed above, concerning formal diplomatic relations, the Russo-Finnish "Winter War" was itself the subject of several measures. Senate Concurrent Resolution 35, "Declaring a state of war to exist between Soviet Russia and Finland," was introduced on January 16, 1940, approximately one and one-half months

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26 Congressional Record, 76th Congress, 3rd Session, p. 3972.
after the outbreak of hostilities. This resolution pointed out that a joint resolution of November 4, 1939, signed by the President, gave Congress the authority to determine, by concurrent resolution, whether or not a state of war exists between any two countries. According to the resolution, the United States should reaffirm its neutrality in wars between all foreign states, and between the U.S.S.R. and Finland in particular; in order to preserve that neutrality and avoid involvement in the conflict, it is essential that the President publicly proclaim that a state of war exists between the Soviet Union and the Republic of Finland. A concurrent resolution identical to the one just discussed was introduced in the House of Representatives on January 30, 1940. No action was taken on either of these measures.

In February and March, 1940, the last two resolutions dealing directly or indirectly with the Russo-Finnish War were introduced. House Concurrent Resolution 47, calling for action to obtain an armistice in the Finnish-Soviet conflict, was initiated on February 13. Two days after the Treaty of Moscow, which formally ended the war, was signed, a measure (H. Con. Res. 53) "For the

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27 Congressional Record, 76th Congress, 3rd Session, p. 354.
28 Ibid., p. 814.
29 Ibid., p. 1440.

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relief of Finland," was introduced. Neither of these two resolutions advanced beyond the committee stage.

In the summer of 1940, the question of possible United States involvement in a European war was raised by Mr. Fish. On July 22 he introduced House Resolution 550 "Requesting information from the President concerning any existing secret pact, agreement, or understanding between the United States and Soviet Russia." This request for information was directed specifically at any secret agreement which would commit the United States to provide military or naval support against Japan or Germany in case of war between either of those two countries and the Soviet Union. Although this resolution was not passed, a letter from Mr. Cordell Hull was sent to Representative Sol Bloom in answer to it. This letter, reprinted in the Congressional Record, stated that "there is no existing secret pact, agreement, or understanding of any kind whatsoever between the United States or (sic) the Union of Soviet Socialist Republics." Less than a year after this resolution was introduced, on June 22, 1941, Germany attacked the U.S.S.R. On June 30, House Concurrent Resolution 44, "Authorizing the Congress of the

31 Ibid., p. 2916.
32 Ibid., p. 9572.
33 Ibid., p. 9572.
United States to declare that a state of war exists between Germany and the Union of Soviet Socialist Repub-
lies" was introduced. While this measure was not debated or discussed, it seems reasonable to assume that its purpose was the same as that of similar resolutions pertaining to the Russo-Finnish War, discussed above. A measure (H. Con. Res. 51) "Abrogating authority under the lend-lease bill with respect to the Union of Socialist Republics" was initiated on August 5, 1941.\textsuperscript{35}

During the period of United States participation in World War II, from 1941 to 1945, no resolutions directed specifically at United States-Soviet relations were introduced. The United States and the Soviet Union emerged from the global war as the two strongest Powers in the world.

After an initial period of optimism, it became apparent that the Soviet Government had no intention of halting its expansion of authority, control, and influence. It became equally apparent that such expansion conflicted with United States interests, both national and international. To a limited extent this new struggle was reflected in the Congressional resolutions concerned with relations between the two countries which were introduced after 1945. During the first year after the cessation of hostilities only one resolution was introduced pertaining to relations between

\textsuperscript{34}Congressional Record, 77th Congress, 1st Session, p. 5698.

\textsuperscript{35}\textit{Ibid.}, p. 6802.
the United States and the U.S.S.R., reflecting the initial period of "good feeling". This resolution (H. Con. Res. 137), introduced on March 20, 1946, advocated a conference between the President of the United States and Premier Stalin "for the purpose of discussing international affairs."\(^36\) A more specific purpose for such a conference was not spelled out by the resolution.

During the life of the 80th Congress more resolutions dealing with relations between the United States and the Soviet Union were initiated than during the tenure of any other Congress covered by this study. Most of the measures introduced from January, 1947, to January, 1949, fall into one of several general categories and will therefore be discussed in groups. Those which cannot be so classified will, of course, be considered individually.

CONFERENCES

Three resolutions calling for a conference between United States and Soviet representatives were initiated between 1947 and 1949. Two of the three measures were House Resolutions introduced by Mr. Simpson of Illinois on November 20, 1947. House Resolution 361 authorized the Speaker "to appoint two Members of the House to consult personally with the head of the Russian Government;" House Resolution 362 authorized "the Speaker and the minority

\(^36\) Congressional Record, 79th Congress, 2nd Session, p. 2489.
leader of the House to consult personally with Premier Joseph Stalin."37 These resolutions were not adopted, nor were their purposes fulfilled.

The third resolution (S. Con. Res. 54) sponsored by Senator Taylor, calling for a personal conference was initiated on May 3, 1948. In this proposal, Senator Taylor pointed out that: (1) A committee had completed drawing up a proposed constitution to be presented to a world constitutional convention; (2) The possibility of securing approval for this constitution was greatly lessened by the tensions between the United States and the Soviet Union, caused largely by the lack of sincere negotiations between the leaders of the two countries; and, consequently, (3) A meeting should be held at Geneva, Switzerland, in November, 1948, between the President-elect of the United States and Marshal Stalin "for the purpose of arriving at a just agreement on all matters of contention between the two countries"; "upon completion of such an agreement, the President of the United States shall then initiate action to provide for election of delegates to a world constitutional convention to be held next year."38 None of these resolutions was acted upon by the house in which they were initiated and the action they contemplated was not carried out.

37 Congressional Record, 80th Congress, 1st Session, p. 10696.
38 Congressional Record, 80th Congress, 2nd Session, p. 5173.
ECONOMIC POLICY

Three resolutions bearing on economic policy as related to the Soviet Union were introduced during the two years from January, 1947, to January, 1949. The first (H. Con. Res. 112), initiated on July 25, 1947, dealt with reparations owed by Finland to Soviet Russia growing out of the "Winter War" and later Finnish activity in World War II. This measure favored the adoption of a policy whereby "the reparations owed by Finland to the Soviet Union should be satisfied out of funds the Soviet Union owes to the United States under the Lend-Lease Act." 39

The other two resolutions in this category dealt with the exportation of goods to the U.S.S.R. On November 29, 1947, House Resolution 379, "To prohibit the sale of certain goods to Russia," was introduced. 40 As there was no discussion of this measure, it is not clear as to what specific goods the prohibition was to be levied against. Approximately four months later, on April 2, 1948, a Senate Resolution (S. Res. 219) called for an investigation of exports to the Soviet Union and satellite countries since January 1, 1947. 41

39 Congressional Record, 80th Congress, 1st Session, p. 10284.
40 Ibid., p. 10853.
41 Ibid., p. 4006.
One other resolution pertaining to trade policy was introduced during the post-war period. In the second session of the 81st Congress, on August 29, 1950, a measure (H. Res. 831) dealing with this subject was initiated. This resolution called for an investigation of the amount of material and instruments of war exported "to countries whose possession thereof is inimical to the national defense and security." While there was no discussion of this resolution, it is probable that the ultimate purpose of its sponsor was to curtail or prohibit such exportation of goods.

The probable purpose of the three foregoing resolutions was accomplished in 1951 with the passage of the Mutual Defense Assistance Control Act. This Act, informally known as the "Battle Act", imposed "an embargo on the shipment of implements of war, and materials of primary strategic significance in the production of such implements, to any nation threatening the security of the United States." In addition, a nation which fails to impose a similar embargo cannot be the recipient of United States aid. If, however, it is found that cessation of aid to such a country would, itself, be harmful to the security of the United States, "the President may direct that aid shall be continued even through the country concerned is not conforming to American policy."^43

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^42 Congressional Record, 81st Congress, 2nd Session, p. 13801
BERLIN BLOCKADE

Under the provisions of the Potsdam Agreement of 1945, Germany was divided into zones, each to be administered by one of the occupying Powers. Berlin, located in the Soviet zone, was also divided into zones, but was to be jointly governed by the four Powers. Berlin was, however, geographically isolated from the zones of the three Western Powers and there was no corridor into the city.

On March 19, 1948, Senators Flanders and Capehart introduced a concurrent resolution (S. Con. Res. 47) which, while it did not deal specifically with the problem of Germany, was related to the entire international situation. This measure requested "that steps be taken to convene the General Assembly of the United Nations to consider the international situation involving the United States and Russia." In explaining the purpose of this measure, Mr. Flanders stated: "Before the bar of world opinion we should present our case against the Soviet Union. We should state clearly the course of events as we have seen them." "Russia, in turn, should have full opportunity to tell the world how she views our position and our policies. She should explain how and why she transmutes our least self-seeking and most peaceful endeavors into terms of imperialistic and capitalistic aggression."  

\[^{44}\text{Congressional Record, 80th Congress, 2nd Session, p. 3121.}\]
\[^{45}\text{Ibid.}\]
On March 31, 1948, a Russian order was issued which required "all motor or rail passengers and freight to undergo Russian inspection at border control points."\(^{46}\) That evening a Russian cordon was installed across all international rail and road routes leading from Berlin. The Soviet officials at the check points insisted on inspecting all Allied personnel, both military and civilian, going in or out of the city; Soviet officers were refused permission to enter a British and American military train for this purpose and the train, consequently, was refused permission to pass the check point. On April 1, the United States started to supply by air its nationals living in Berlin.\(^{47}\) In June, all surface transportation to Berlin was shut down and the Allied "air lift" began to operate in earnest. The blockade was not lifted until May 1949.\(^{48}\)

One day after the imposition of restrictions, on April 2, 1949, Senate Resolution 218 was initiated. This measure requested that information be furnished to Congress "concerning agreements for occupation by the United States of a sector of the city of Berlin and whether its rights there-under have been violated by Soviet Russia."\(^{49}\)

\(^{46}\) Ibid., p. 4005.
\(^{47}\) Ibid.
\(^{48}\) Pratt, op. cit., p. 723.
\(^{49}\) Congressional Record, 80th Congress, 2nd Session, p. 4005.
As previously noted, absolute restrictions on transportation facilities into Berlin were imposed in June. On July 28, 1949, Senator Jenner initiated Senate Resolution 267 which favored "reference to the Security Council of the United Nations Organization of the present controversy between the United States and Russia concerning the movement of personnel and materials to Berlin." The President was to instruct United States representatives in the United Nations to take whatever action might be necessary to bring this matter before the Security Council.\(^5\)

The following day Mr. Case of South Dakota introduced House Resolution 705 authorizing "an inquiry on agreements and conditions in Germany and relations with other occupying powers, particularly Soviet Russia."\(^1\) This measure was not discussed, but it can be assumed that it was directed primarily at the action of the Soviet Union in imposing the "Berlin Blockade".

On September 29, 1948, the Secretary-General of the United Nations received identical notes from the Governments of France, the United Kingdom, and the United States. These communications noted the serious situation which had arisen from the unilateral action of the Soviet Union in

\(^{50}\) *Ibid.* , p. 9454.

imposing the blockade and pointed out that such action violated not only the rights of the three Governments, but also the obligations incurred by the U.S.S.R. under Article 2 of the Charter of the United Nations. The notes further stated that every effort had been made to settle this dispute by negotiations with the Soviet Union. In connection with this statement, attention was drawn to notes which had been delivered to the Soviet Government on September 26 and 27 declaring that the U.S.S.R., by its action, was attempting to gain political objectives to which it had no right and which could not be gained by peaceful means. The three Governments then referred the matter to the Security Council.52

The Berlin question was put on the Council's agenda on October 5 by a vote of 9 to 2 (Ukrainian S.S.R. and the U.S.S.R.). On October 22, Argentina, Belgium, Canada, China, Colombia, and Syria introduced a joint draft resolution. This measure called for the immediate and simultaneous removal of all restrictions on commerce and transportation imposed by any of the parties to the dispute since March 1, 1948. It further stated that a meeting of the Council of Foreign Ministers should be held by November 20, 1948, to deal with the problem of currency unification in Berlin, and that negotiations on outstanding

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problems concerning Germany should be commenced after that date. The draft resolution was brought to a vote on October 25, the vote being 9 in favor and 2 against (Ukrainian S.S.R. and the U.S.S.R.). Since one of the permanent members of the Council voted against the measure, it was not adopted.  

In April, 1949, the representatives of the United States and of the Soviet Union to the United Nations began informal conversations on the Berlin dispute; the representatives of the United Kingdom and France subsequently joined in the negotiations. On May 4, 1949, it was formally announced that an agreement had been reached on major questions of principle concerning the Berlin dispute; further, all parties had agreed to remove restrictions on May 12. It may be noted that the congressional resolutions calling for submission of the Berlin question to the Security Council were implemented, even though a settlement of the dispute was not achieved by that body. What importance those resolutions had in bringing about the submission is not clear.

MISCELLANEOUS

In addition to the resolutions discussed above, two other measures dealing with problems of United States-Soviet relations, not connected with the subjects mentioned pre-

\[53\text{Ibid.}, p. 286.\]
\[54\text{Ibid.}, pp. 286-287.\]
viously, were introduced in the 60th Congress. One of these measures concerned the admission of the nationals of the respective countries into the other country. House Concurrent Resolution 115, introduced on July 25, 1947, expressed the opinion of the lower house on this subject.\(^5\)\(^5\) As there was no discussion or explanatory comment upon this resolution, it is not possible to determine the objectives of its sponsor.

With the breakdown of amicable relations between the United States and the Soviet Union during the post-war period, the provisions of war-time agreements, and their violation, between the one-time allies came to be regarded as increasingly significant. A resolution co-sponsored by 32 Senators (S. Res. 213) was introduced on March 19, 1948, "calling on the President for information concerning the Potsdam agreements and violations thereof by Soviet Russia."\(^5\)\(^6\) The resolution referred to a speech of President Truman's in which he had stated that one nation had "persistently ignored and violated" agreements "which could have furnished a basis for a just peace"; he had further stated that such violations were one of the causes of present international disturbances.\(^5\)\(^7\) Senate Resolution 213

\(^5\)\(^5\) Congressional Record, 80th Congress, 1st Session, p. 10284.
\(^5\)\(^6\) Congressional Record, 80th Congress, 2nd Session, p. 3121.
\(^5\)\(^7\) Ibid., p. 3122.
requested the President to furnish complete information on the specific violations referred to in that address. It also asked the President who had been present at the Potsdam Conference to advise Congress of all agreements still extant between the United States and her war-time allies.58

In commenting upon the resolution, Mr. Capehart, one of the co-sponsors, maintained that the measure was "not intended to be critical of the President of the United States," but rather had as its purpose the determination of "what agreements, entered into between this country and Russia, have been violated, and what agreements were entered into between this Nation and Russia at Yalta, Tehran, Potsdam, Casablanca, and at other places."59 The resolution was reported adversely by the Committee on Foreign Relations,60 but Mr. Capehart pointed out that the notation on the calendar was merely necessary phraseology and that the committee report itself was not adverse. The measure was indefinitely postponed on June 10, 1943, after a statement by Mr. Capehart that the Committee report "is a complete compliance with the request of the resolution, so . . . there is no further need for the resolution."61

58 I b i d.  
59 I b i d.  
60 I b i d. , p. 6854.  
61 I b i d. , p. 6793.
On the basis of Mr. Capehart's last statement, the information requested in the resolution was supplied by the committee report. His earlier statement that the measure was not intended to be critical of the President cannot be so readily accepted in view of the fact that all 32 of the co-sponsors were members of the Republican Party.

On June 9, 1950, House Resolution 636, "Directing the Secretary of State to call upon the United Nations to investigate the shooting down of an American navy plane by Russian airmen on April 8, 1950, and to request the United Nations to impose punishment as provided in its Charter" was introduced. This matter was never brought to the attention either of the General Assembly or of the Security Council by the representatives of the United States.

As has been pointed out previously, none of the resolutions discussed in this chapter were passed by either of the houses of Congress. While such measures probably had very little, if any, direct effect upon United States foreign policy, they were not without importance. Any resolution which is introduced represents the opinion of at least one member of Congress and is of some significance by virtue of that fact. The introduction of such a measure is of greater significance, of course, if one of the more

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62 Congressional Record, 81st Congress, 2nd Session, p. 8348.
highly-respected members of the House or Senate is its sponsor. In addition, the introduction of resolutions bearing on foreign policy, even though they are not approved, nevertheless indicates that various members of the legislative branch have taken cognizance of contemporary problems in foreign policy.

Several explanations in regard to the fact that many resolutions bearing on foreign affairs have not been followed up, after introduction, by serious efforts to secure approval of such measures have been mentioned and discussed in other chapters. Resolutions may be initiated to satisfy demands of various groups in a legislator's constituency; they may relate to a "pet" project of their sponsors although the sponsors know there is little, if any, chance of securing approval for them; and resolutions may be used to put their sponsors on record as favoring a given course of action, even though the sponsors are not willing to work wholeheartedly for the approval of such measures. The congressional resolution, like almost all other legislative machinery, can be as effective or as innocuous as the members of the legislative body choose to make it.
During the post-war years of 1945-1950, as has been explained in detail in chapter II, a very considerable number of Congressional resolutions were introduced. Some of the more important problems with which such resolutions dealt were (1) disarmament, (2) United States policy toward China, (3) suggested revisions of the United Nations Charter, together with requests that certain provisions already included in that document be more effectively implemented, and (4) the development of various regional organizations, primarily for purposes of collective self-defense, but also to create closer ties—economic, political, social, and cultural—between the countries involved. This chapter will deal with the latter two subjects. As in the two preceding chapters, these two subjects will be discussed from the point of view of the Congressional resolutions bearing upon them. Where possible, the extent to which the resolutions were implemented will be pointed out. It should be noted that only two of the measures which will be discussed below were approved and an additional three were reported back by the committee of reference.

1 Several other important issues, such as the Palestine question, the trial of war criminals, the Berlin Blockade, and the creation of the United Nations have been considered elsewhere.
As with any new and untried organization, many problems and difficulties arose in connection with the operation of the United Nations, and these problems became increasingly apparent between 1945 and 1950. An appreciable number of Congressional resolutions dealing with such problems were introduced during this six-year period. The suggestions for revision of the Charter or requests for more effective implementation of certain provisions were concerned most frequently with the veto, the creation of a United Nations Police Authority, or the possibility of developing the United Nations into a world federation or a world government. Those resolutions which dealt primarily with only one of these matters will be discussed first under several different headings; the measures concerned with more than one specific issue will be considered last.

WORLD GOVERNMENT

More than one-third of the resolutions dealing with revision or alteration of the United Nations were directed to the possibility of achieving some form of world government, either as an evolutionary outgrowth of the United Nations or as a result of immediate alteration. Approximately four months before the San Francisco Conference convened, on January 3, 1945, Mr. Randolph introduced House Concurrent Resolution 8 "Requesting the President to invite foreign governments to participate in an international constitutional
convention to draft a constitution providing for an international government."² The Charter of the United Nations became effective on October 24, 1945; on that day, Senator Taylor initiated Senate Resolution 183 which favored the creation of a world republic.³ This measure called for an immediate reduction and eventual abolition of all armaments except for the equipment of a Security Council police force. The United States delegates to the United Nations were directed to bend all efforts to achieve the ultimate goal of establishing a world republic; the President was requested to instruct the United States delegates to propose, at the first meeting of the United Nations, the creation of a commission to prepare drafts of the conventions, agreements, treaties necessary to the establishment of a world republic.⁴

During the second session of the 79th Congress and both sessions of the 80th Congress, no resolution specifically concerned with a world government was introduced. In the last two years covered in this discussion, however, this matter was more frequently the subject of resolutions than was any other connected with the United Nations. On June 7,

²Congressional Record, 79th Congress, 1st Session, p. 31.
³Ibid., p. 9989.
⁴Ibid., p. 9987.
1949, a total of 26 House Concurrent Resolutions pertaining to world government were introduced. Twenty-five of these resolutions were worded: "To seek development of the United Nations into a world federation" (Congressional Record, 81st Congress, 1st Session, p. 7391. Eleven more identically worded resolutions were introduced later in the session.); the purpose of the remaining resolution, House Concurrent Resolution 76, was "To announce United States policy on the United Nations and on limited world government." As none of these measures were debated or discussed, a more precise description of the specific programs envisaged is not possible.

Three other resolutions pertaining to the possibility or desirability of some form of world government were initiated in 1949. House Concurrent Resolution 100, advocating the adoption of an International Charter in order to support and strengthen the United Nations, was introduced on July 7. Nineteen days later, on July 26, a group of 19 Senators co-sponsored a resolution (S. Con. Res. 56) "Favoring the strengthening of the United Nations and its development into a world federation." In a statement supporting the measure, Mr. Tobey, speaking for himself and

5 Ibid.
6 Ibid., p. 8998.
7 Ibid., p. 10143.
Beginning at the end of line 4, page 17\(\frac{1}{4}\), the following three lines should be read as a footnote, and the footnotes at the bottom of page 17\(\frac{1}{4}\) should follow next in order after such footnote.
his co-sponsors, reaffirmed the faith of the United States in the United Nations while recognizing the need to strengthen that body; he declared, however, that the development of the United Nations into a world federation offered "a long range objective for United States foreign policy that has the greatest promise of establishing a lasting peace." On September 13, 1949, Senator Taylor sponsored a measure quite similar to the resolution, cited above, that he had introduced in 1945. This resolution (S. Con. Res. 66) also favored the adoption of a constitution for a world government. The President was asked to take the initiative in requesting the United Nations to call a general conference, under the provisions of article 109 of the Charter, for the purpose of amending that document. If such a conference were not called within one year after the adoption of this resolution, the President was to call a World Constitutional Convention; the delegates to this Convention were to be directly elected by the people and the purpose of the meeting was, of course, to be the adoption of a world constitution.9

In 1950, the first resolutions expressing opposition to, or qualifications for, a world government were initiated. House Resolution 596, introduced on May 10, 1950, expressed "the opposition of the House of Representatives toward any

8 Ibid.
9 Ibid., p. 12775.
form of world government which would curtail the liberties of citizens of the United States and the independence of the Government of the United States."\(^{10}\) Less than two weeks later, on May 19, Senator Jenner sponsored Senate Resolution 277 opposing United States participation "in any international organization outside of the United Nations which involves the surrender of our national sovereignty or any part thereof or which in any way impairs our legislative process."\(^{11}\) These two resolutions do not seem to have been directed against the United Nations as it then existed, but rather against the development of that organization into anything resembling a "super-state" or a world government. The final resolution connected with the issue of a world government introduced during the six-year post-war period covered in this chapter was House Concurrent Resolution 277, initiated on June 28, 1950, by Mr. White of Idaho. This measure, like a similar one sponsored by Mr. White in 1949, advocated the adoption of an International Charter as a means of supporting and strengthening the United Nations.\(^{12}\)

It is quite clear that none of the resolutions calling for the establishment of a world government or

\(^{10}\) Congressional Record, 81st Congress, 2nd Session, p. 6861.

\(^{11}\) Ibid., p. 7298.

\(^{12}\) Ibid., p. 9421.
federation has been implemented, nor have strenuous efforts been made in that direction on the policy-making level.

In February, 1950, however, a subcommittee on the revision of the United Nations Charter of the Senate Foreign Relations Committee conducted hearings on resolutions pertaining to revision of the United Nations Charter, strengthening the United Nations, Atlantic Union, and the creation of a world federation. Testimony both for and against such resolutions was heard from a great number of witnesses; this testimony was included in a report of the hearings.\textsuperscript{13} Perhaps the purpose of these resolutions was not solely an attempt to influence policy in the immediate future, but rather to give a statement of belief in regard to the eventual goal of international organization. It is also possible that the purpose was to satisfy private groups in the nation which were advocating stronger world organization, groups such as the United World Federalists, the Atlantic Union Committee, the American Association for the United Nations, and the Friends Committee on National Legislation.

\textbf{THE "VETO" AND CREATION OF A UNITED NATIONS POLICE FORCE}

Only one resolution dealing specifically and solely with the problem of the veto in the Security Council was introduced between 1945 and 1950. Several resolutions were

\textsuperscript{13}Revision of the United Nations Charter, Hearings Before a Subcommittee of the Committee on Foreign Relations, United States Senate, Eighty-first Congress, Second Session.
concerned with the veto as a part of the broader question of a general revision of the United Nations Charter; these measures will be discussed below. On July 26, 1947, House Concurrent Resolution 117, "Recommending amendment of the United Nations Charter relating to the veto," was introduced. Although no explanatory statement was made in connection with the introduction of this measure, it is reasonable to assume the sponsor had in mind an amendment designed to eliminate or restrict the operation of the veto power by the permanent members of the Security Council.

Article 43 of the United Nations Charter states that agreements shall be negotiated whereby Member states will place armed forces and supplies at the disposal of the Security Council after such agreements have been ratified by the respective states in accordance with their individual constitutional processes. Such agreements, however, have not been concluded, thus leaving the Security Council without independent means of enforcing its decisions. This problem was dealt with by several Congressional resolutions between 1945 and 1950. The first of these (H. Con. Res. 180) was initiated on March 31, 1948; this measure was concerned with "the immediate establishment of armed forces under the Security Council of the United Nations for the maintenance of international peace and security."
On August 25, 1950, a group of 19 House Concurrent Resolutions were introduced, all of which called for "the establishment of a United Nations Police Authority." On the same day, 21 Senators jointly initiated Senate Concurrent Resolution 104, which called for a strengthening of the United Nations. Taking cognizance of the situation in Korea, this measure was concerned primarily with the creation of a United Nations police authority. The President was requested to initiate the measures necessary to implement this resolution, which called for the creation of a United Nations Police Authority. The members of this Contingent were to be volunteer, paid, professional personnel who would owe allegiance only to the United Nations. Recruits for the Contingent could not be citizens of any one of the five permanent members of the Security Council, though they could hold citizenship in countries such as Germany, Japan, and Italy, non-members of the United Nations. This resolution did not contemplate having the Soviet Union represented in the United Nations Police Authority, but membership therein would be kept open to all states abstaining from support of the United Nations in Korea.

16 Congressional Record, 81st Congress, 2nd Session, p. 13529. Five more identically worded House Concurrent Resolutions were introduced later in the same session.

17 Ibid., p. 13452.

18 Ibid., pp. 13450-13451.
A considerable number of resolutions dealing with the general subject of Charter revision were initiated during the six-year post-war period ending in January, 1951. Many of these measures were worded in quite broad and general terms and no debate was conducted in regard to most of them. Consequently, it is impossible to do more than list them as attempts to bring about a revision of the Charter, with no indication as to the specific provisions to be amended. On July 9, 1947, 10 House Concurrent Resolutions suggesting "a conference for the revision and strengthening of the United Nations Charter" were introduced. On the same day, two Senate Concurrent Resolutions dealing with this subject were also initiated. The first, Senate Concurrent Resolution 23, called for a strengthening of the United Nations by amendments and revisions to be carried out under the provisions of the Charter as a means of preventing war and maintaining world peace. The other measure, Senate Concurrent Resolution 23, stated that "the President of the United States should immediately take the initiative in calling a general conference of the United Nations capable of enacting, interpreting, and enforcing

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19 Congressional Record, 80th Congress, 1st Session, p. 8567. One additional identically worded House Concurrent Resolution was introduced in this session.
20 Ibid., p. 8487.
world law to prevent war." Less than three weeks later, on July 26, another resolution (H. Con. Res. 116) requesting a general conference for the purpose of amending the United Nations Charter was initiated.

During the year 1948 a number of resolutions requesting revision of the United Nations Charter were introduced, most of which did not specify any particular amendment or change. House Concurrent Resolution 137, asking that a conference be called for the purpose of revising and strengthening the United Nations Charter, was initiated on January 29, 1948. On March 16, 1948 House Concurrent Resolutions "Recommending the revision of the United Nations Charter" were introduced.

A group of 16 Senators co-sponsored a concurrent resolution (S. Con. Res. 50) on April 12, 1948, "Requesting the President to initiate measures for a revision of the United Nations Charter." The revision contemplated by this measure was to be aimed at several major goals: (1) Full sovereignty of member states was to be preserved except in regard to acts of aggression and armament for aggression; (2) Revision of the Charter was to be carried out

\[21\text{Ibid.}, \text{p. 8506.}\]
\[22\text{Ibid.}, \text{p. 1052.}\]
\[23\text{Congressional Record, 80th Congress, 2nd Session, p. 717.}\]
\[24\text{Ibid.}, \text{p. 2985. Two other identically worded House Concurrent Resolutions were introduced in this session.}\]
\[25\text{Ibid.}, \text{p. 4299.}\]
with the approval of all members, if possible. (If one of the permanent members of the Security Council should veto the proposed revisions, however, the United States should join with other like-minded states "in establishing, on the basis of a revised United Nations Charter, a more effective international organization for mutual defense without the participation of the abstaining state or states"); and (3) Membership in the revised organization would remain open to such abstaining states under the same conditions as applied to members and if such abstaining states were not engaged in an aggressive war against a member-state at the time of application for admission. In addition to these broad principles, Senate Concurrent Resolution 50 also spelled out some of the particular provisions of the Charter which should be revised: (1) The power of veto in the Security Council should be eliminated in respect of questions concerning aggression, armament for aggression, and admission of new members; (2) Some method should be found to prevent armament for aggression; and (3) An effective world police force, consisting of "one international contingent as the active force, and five national contingents operating as reserves when needed," should be established.

During the last two years covered by this study, 1949 and 1950, four resolutions relating to proposed revision of the United Nations Charter were initiated. Three

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26 Ibid.
27 Ibid., p. 4300.
of these measures were House Concurrent Resolutions, none of which was discussed or elaborated on in regard to specific revisions desired: House Concurrent Resolution 5 (January 3, 1949) "Recommending the revision of the United Nations Charter;"\(^{28}\) House Concurrent Resolution 15 (January 17, 1949) requesting "a conference for the revision and strengthening of the United Nations Charter";\(^{29}\) and House Concurrent Resolution 198 (May 1, 1950) "Providing for the appointment of a joint committee to study the United Nations Organization."\(^{30}\)

One resolution (S. Con. Res. 72), co-sponsored by Senators Ferguson, Graham, and Kefauver, was introduced in the Senate during the final two years of this study. This measure, initiated on February 7, 1950, reaffirmed the faith of Congress in the United Nations "as the cornerstone of the international policy of the United States" and advised the President that the United States Government should cooperate with other governments in order to strengthen the United Nations by Charter interpretation, practice and usage under the Charter, supplemental agree-

\(^{28}\) Congressional Record, 81st Congress, 1st Session, p. 26.

\(^{29}\) Ibid., p. 433.

\(^{30}\) Congressional Record, 81st Congress, 2nd Session, p. 6119.
ments, or amendment of the Charter if necessary. A number of specific steps to be taken in the process of strengthening the United Nations were listed in the resolution: (1) Voluntary agreement to remove the veto from the pacific settlement of international disputes and from the admission of new members; (2) Immediate membership for all states fulfilling the qualifications listed under article 4 of the Charter so that the United Nations approaches universality of membership; (3) Elimination of the United States reservations concerning the compulsory jurisdiction of the International Court of Justice and acceptance by all states of compulsory jurisdiction without reservations so as to give the Court compulsory jurisdiction in legal disputes as defined in article 36 of the Charter; (4) Further development of an armed guard force and field service to protect United Nations missions; (5) "Renewed efforts . . . to secure agreements for contribution of forces and assistance under the provisions of article 43 of the Charter;" (6) "Direct administration by the United Nations of certain disputed areas where such direct administration would contribute to the peace of the world;" (7) Legislative provision for independent sources of income for the United Nations in addition to the contributions made by members; (8) Support for "the principles of the United Nations Charter respecting fundamental freedoms;"

31 Ibid.
(9) "Preparation by the International Law Commission of the United Nations of an international criminal code and of a statute for an international criminal court;" and (10) The program of technical assistance to underdeveloped countries should be carried out as far as possible through the United Nations. 32

To date the veto has not been eliminated from Security Council procedure, and a United Nations police authority has not been created. The matter of holding a conference to review the United Nations Charter and possibly to suggest revisions was, however, considered at the tenth annual session of the General Assembly, in accordance with the provisions of article 109 of that document.

On November 22, 1955, a resolution declaring that a conference of United Nations members should be held for the purpose of reviewing the Charter was approved by the General Assembly by a vote of 43 to 6 with 9 abstentions; the Soviet bloc opposed the measure. This resolution, which was jointly sponsored by the United States, Great Britain, Canada, Ecuador, Iraq, and Thailand, provided that: (1) the conference would be held at an "appropriate" time; (2) the date for such a conference would be set at the 1957 session; and (3) a "broadly representative" committee would be created "to report to the twelfth session

32 Ibid., p. 1545.
of the General Assembly with recommendations relating to the time and place of the conference and to its organization and procedures." The fact that the United States was one of the co-sponsors of this measure constitutes the first step toward fulfillment of the purpose of those congressional resolutions calling for the revision of the United Nations Charter and for United States support for such revisions. It is, of course, impossible to determine the extent to which the United States official position in the United Nations in regard to this matter was affected by the resolutions. It should also be noted that this is one instance in which the purposes of some resolutions have been at least partially fulfilled even though the resolutions themselves were not passed.

REGIONAL ORGANIZATIONS

Under the provisions of article 52 of the United Nations Charter, the existence and development of regional arrangements and organizations are sanctioned so long as the activities of such organizations are consistent with the purposes of the United Nations. The right of individual and collective self-defense is guaranteed by article 51. During the post-war period regional arrangements, some newly-created and some already in existence, have assumed a position of increasing international importance. On the

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basis of Congressional resolutions introduced between 1945 and 1951, the following organizations, or suggested arrangements, will be discussed: a United States of Europe, the Pan-American Organization and the Organization of American States, the North Atlantic Treaty Organization, and the South Eastern Asia Treaty Organization. While several other regional arrangements have come into existence since World War II, such arrangements were not the subjects of Congressional resolutions and consequently will not be discussed in this chapter.

UNITED STATES OF EUROPE

During the post-war years of 1945-1951, six resolutions dealing with the possibility of creating or developing a United States of Europe were introduced, three of the measures being introduced in each of the years of 1947 and 1949. On March 21, 1947, Senators Fulbright and Thomas (Utah) introduced Senate Concurrent Resolution 10, "Declaring the sense of Congress as favoring a United States of Europe." Three days later, on March 24, House Concurrent Resolution 34, "Favoring the creation of a United States of Europe within the framework of the United Nations" was introduced. 

\[34\] Congressional Record, 80th Congress, 1st Session, 2347.

\[35\] Ibid., p. 2424.
initiated Senate Concurrent Resolution 12 on March 31, 1947. This measure called for the creation of a United Democratic States of Europe. Senator Wiley pointed out that this resolution differed from Senate Concurrent Resolution 10, previously introduced, in that it called for a union of democratic states only, since a union of all European states would not be practicable in view of the existence of both democratic and dictatorial governmental systems in Europe.

The remaining three resolutions pertaining to the creation of a United States of Europe were introduced in the early part of 1949. These resolutions, which were identically worded, favored "the political federation of Europe." Senate Concurrent Resolution 12 was initiated on January 31, 1949, House Concurrent Resolution 26 on February 7, 1949, and House Concurrent Resolution 33 on February 9, 1949. None of these measures was the subject of debate or discussion; consequently, the manner in which they were to be implemented is not clear.

It is, of course, true that no union of European states has been brought about. A step in this direction

\[\text{36} \text{Ibid., p. 2848.} \]
\[\text{37} \text{Ibid.} \]
\[\text{38} \text{Congressional Record, 81st Congress, 1st Session, p. 673.} \]
\[\text{39} \text{Ibid., p. 932.} \]
\[\text{40} \text{Ibid., p. 1094.} \]
was taken in 1951-1952, however, with the negotiation and ratification of the six-nation Schuman Plan which called for the creation of a coal-steel community in Western Europe. The implementation of this plan has not been as rapid and as far-reaching as its sponsors had hoped. The extent to which the decision to negotiate such an agreement was influenced by the Congressional resolutions discussed above, while probably not too great, is impossible to determine with any degree of exactness. It is true, of course, that the United States has good reason to favor a political federation of Europe. Policies and programs such as NATO, Mutual Defense Pacts, and Marshall Plan Aid all have had as a goal the strengthening of the countries of western Europe as a bulwark against Soviet expansion. The establishment of a United States of Europe would create a power unit capable of combating and deterring such expansion more effectively.

PAN-AMERICAN ORGANIZATION

With the growing threat of communism and the advent of the "cold war", United States relations with the countries of Central and South America were given a good deal of attention after 1945. On February 19, 1945, the House of Representatives passed House Resolution 37, "Expressing the approval of the House of Representatives of certain resolutions adopted at Santiago, Chile, on April 15, 1944,

\[47\] Thomas Bailey, A Diplomatic History of the American People, p. 894.
looking toward the establishment of an American Interparliamentary Congress."\(^2\) This measure listed four resolutions, which had been adopted at Santiago, Chile, of which the House approved: (1) The parliamentary delegations of Peru, Uruguay, Colombia, the United States, Mexico, Costa Rica, El Salvador, Nicaragua, Panama, and Chile "agree to promote through their respective Parliaments a movement of continental unity;" (2) The establishment of an American Interparliamentary Congress was proposed and delegates "will solicit the approval of their respective Parliaments" for this proposal; (3) A permanent committee of chairmen of the delegations was to be set up to organize and plan for the Congress; and (4) These resolutions were to be communicated to all countries on the American continents and countries whose parliaments were not represented are invited to adhere to these resolutions.\(^3\)

Two days later, on February 21, an Inter-American Conference on Problems of War and Peace was convened in Mexico City. This Conference, which met until March 8, 1945, drew up the Act of Chapultepec. Under the terms of this act "the signatories declared that any attack against the territory, sovereignty, and political independence of an American state should be considered an act of aggression.

\(^2\)Congressional Record, 79th Congress, 1st Session, p. 1269.
\(^3\)Ibid., p. 1082.
against all; they should consult to determine what to do in the event of such an attack; and that these principles should later be embodied in a permanent treaty.”

On April 24, 1945, House Resolution 226 "Expressing the faith of the House of Representatives in the principle of pan-American solidarity based on friendship and mutual understanding" was approved. Approximately two weeks later, on May 7, a resolution (H. Con. Res. 48) embodying an invitation to Canada to join the Pan-American Union was introduced in the House of Representatives.

In accordance with the provisions of the Act of Chapultepec, its terms were incorporated into a permanent treaty at the Rio De Janeiro Conference for the Maintenance of Continental Peace and Security, which met from August 15 to September 2, 1947. This Conference drew up the Inter-American Treaty of Reciprocal Assistance, informally known as the Rio Pact. Under the terms of this pact, the principle that an attack against any American state is an attack against all was reaffirmed, the collective measures

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44 Wilcox and Kalijarvi, Recent American Foreign Policy, p. 201. The entire text of the Act of Chapultepec may be found on pages 201-204 of this book.
45 Congressional Record, 79th Congress, 1st Session, p. 3747.
46 Congressional Record, 80th Congress, 1st Session, p. 4744.
47 Wilcox and Kalijarvi, op. cit., p. 208.
with which any aggression or threat of aggression is to be met were spelled out, and it was stipulated that a vote on such measures required a two-thirds majority with no veto provided for except that, in case of enforcement action against an aggressor, a state's consent is necessary before the armed forces of that state are used. By December 31, 1950, twenty states (including the United States) had ratified the treaty. 48

On April 30, 1948, the Charter of the Organization of American States was signed at the Bogota Conference of American States. This document, which provides the formal basis for the inter-American system, did not represent any major change in the system, but rather was a reorganization and consolidation of the existing machinery of inter-American cooperation. 49 The terms of this agreement "establishes the Organization of American States on a permanent treaty basis and defines its role as the regional agency of the American republics within the United Nations." 50 On April 14, 1949, another resolution (H. Con. Res. 55) inviting Canada to join the Pan-American Union was introduced in the House. 51

In general, those resolutions which expressed faith in a pan-American organization, while they did not call

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48 Ibid. The text of the Rio Pact can be found on pages 209-214 of this book.
49 Ibid., pp. 214-215.
50 Ibid., p. 215. The entire text of the Charter of the OAS may be found on pages 215-233 of this book.
51 Congressional Record, 81st Congress, 1st Session, p. 4699.
for any specific action, seem to have been implemented with the establishment of the Organization of American States. While those measures inviting Canada to join the Pan-American Union have not resulted in that country's membership in the organization, the Rio Pact of 1947 included Canada in the region defined as being covered by the provisions of that agreement.

THE NORTH ATLANTIC TREATY

The first resolutions, introduced after 1945, dealing with the possibility of developing regional arrangements expressed an unfavorable view of such organizations. On January 10, 1945, Senate Resolution 29, which stated that "the formation or existence of any bloc or regional group of nations for military purposes, except in connection with and with the approval of a general world security organization, is inimical to international peace."52 The explanatory statement by its sponsor, Senator Ellender, made it very clear that the resolution was directed primarily at Great Britain. In that statement, Mr. Ellender declared it to be his belief "that Great Britain will persist in that attitude of seeking to expand her now vast empire and to form blocs of nations here and there all over the world so as to help her to maintain her pre-war world-wide domination, unless we in America take a

52 Congressional Record, 79th Congress, 1st Session, p. 163.
More than a year later, on May 7, 1946, House Resolution 546, "Reaffirming faith in the United Nations idea and opposing the formation of blocs of nations," was initiated. It should be pointed out that the first of these resolutions did not oppose regional arrangements which had the approval of the United Nations, whereas the second seems to have been opposed to any type of arrangement other than the United Nations.

The first resolution supporting the formation of some type of collective-security system was initiated in the latter part of 1947. House Concurrent Resolution 125, "Urging the creation of collective-security arrangements in furtherance of the European recovery program and the participation of the United States therein," was introduced on December 18 of that year. On March 17, 1948, approximately three months after the above resolution was introduced, the Governments of Britain, France, Belgium, the Netherlands, and Luxembourg signed a fifty-year defensive pact at Brussels. Under the terms of this pact, the signatories agreed to aid one another in the event of an aggressive attack against any one of them. On June 11, 1948 the Vandenberg resolution, supporting such collective-security arrangements, was passed by the United States Senate.

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53 Ibid., p. 164.
54 Congressional Record, 79th Congress, 2nd Session, p. 2033.
55 Congressional Record, 80th Congress, 1st Session, p. 11673.
56 Bailey, op. cit., p. 891.
57 This resolution has been discussed in a previous chapter.
During the year 1948, two resolutions concerned primarily with mutual assistance were initiated. On February 27, 1948, a resolution (H. Con. Res. 152) dealing with the "formation of groups of certain freedom-loving nations bound by mutual military assistance agreements" was introduced.\(^58\) House Concurrent Resolutions 157 and 158, "Expressing the sense of the Congress with respect to the adoption of a foreign policy to protect the security of the United States by assisting free governments to resist aggression," were initiated on March 11, 1948.\(^59\)

The type of program contemplated by these two measures was realized with the passage of the Mutual Defense Act of 1949 which provided for aid not only to signatories of the North Atlantic Treaty, but also to Greece, Turkey, Iran, Korea, the Philippines, and the general area of China.\(^60\)

In December, 1948, formal negotiations were begun between the United States, Canada, and the Brussels Pact nations for the purpose of strengthening the security system of the North Atlantic area through the creation of

\(^{58}\) Congressional Record, 80th Congress, 2nd Session, p. 1913.

\(^{59}\) Ibid., p. 2607.

\(^{60}\) Wilcox and Kalijarvi, op. cit., p. 886.
a collective-security arrangement. On March 8, 1949, Senator Watkins initiated a measure (S. Res. 81) pointing out that, since the treaty was nearly completed and ready for submission to the governments concerned, and since "the proposal for the United States to become a party to said pact or treaty involves a departure from the historical policy of the United States with respect to alliances with other nations," the treaty, together with all pertinent facts, should be submitted to the Senate "for consideration and study at a reasonable time before the date appointed for the signing of said pact or treaty by participating nations." Less than a month later, on April 4, the North Atlantic Treaty was signed in Washington, D. C. by the representatives of the 12 nations.

On July 8, 1949, Senators Sparkman, Aiken, Capehart, Cain, Flanders, Hendrickson, Hill, Hoey, Johnson of Colorado, Mundt, and Stennis co-sponsored Senate Resolution 133 spelling out certain basic objectives to be sought in the implementation of the North Atlantic Treaty. One

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61 Ibid., p. 868.
63 Bailey, op. cit., p. 892.
64 Congressional Record, 81st Congress, 1st Session, p. 9084.
of the fundamental objectives of the treaty was to strengthen the United Nations. Consequently, immediately upon ratification of that document, a revision of the United Nations Charter should be sought for the purpose of (1) removing the veto in matters of defined aggression, (2) averting the threat of an atomic conflict and stopping the armament race, and (3) creating an international police force under a workable Security Council and International Court. In addition, the immediate objectives in implementing the North Atlantic Treaty were the establishment of an emergency defense force to be called the Atlantic International Contingent, and the establishment of the special defense committee, provided for in article 9 of the treaty, in which would be vested the organization and command of the Contingent. The latter two objectives were realized by the creation of the NATO armed forces and the joint command of those forces under the leadership of a Supreme Commander, which post has been held thus far by a member of the United States armed forces.

Six days after the above resolution was initiated, on July 14, Senators Flanders and Taft introduced Senate Resolution 134 pertaining to an extension of the Monroe Doctrine. This measure noted that the vital interests of

\[65\text{Ibid.}\]
the United States are deeply concerned with the safety of western Europe from external attack; the President was, therefore, urged "to promulgate such an extension of the Monroe Doctrine to western Europe on such terms and subject to such limitations and definitions as will best meet the present emergency and likewise serve as a continuing support for the objectives of the United Nations." Such a proclamation was, of course, not made.

The North Atlantic Treaty was approved by the Senate on July 21, 1949, by an overwhelming vote of 82 to 13. The approval of this treaty by the Senate and its subsequent ratification by the President marked a significant departure from traditional foreign policy on the part of the United States. Within five days after Senate approval had been granted, however, 20 Senators and 4 Representatives were ready to take another step to cement relations between the North Atlantic nations. On July 26, 1949, Senators Kefauver, George, Gillette, Baldwin, Hendrickson, Miller, Cain, Ecton, Hill, Sparkman, Fulbright, Maybank, Thye, Withers, McCarthy, Kilgore, Chapman, Frear, Graham, and Young jointly introduced Senate Concurrent Resolution 57 requesting the President "to invite the democracies which sponsored the North Atlantic Treaty to name delegates, representing their principal political parties, to meet this

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66 Ibid., p. 9422.
67 Bailey, op. cit., p. 892.

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year with delegates of the United States in a Federal Convention to explore how far their peoples, and the peoples of such other democracies as the convention may invite to send delegates, can apply among them, within the framework of the United Nations, the principles of free federal union.\textsuperscript{68} On the same day four House Concurrent Resolutions "Inviting the democracies which sponsored the North Atlantic Treaty to name delegates to a federal convention" were introduced.\textsuperscript{69} Such action was not taken, but the fact that such measures were introduced perhaps reflects the new light in which foreign affairs have been viewed in the United States since the end of the Second World War.

PACIFIC DEFENSE PACT

During the last two years, 1949 and 1950, of the period covered by this study, a number of resolutions favoring the creation of a Pacific collective-security organization were introduced. Four House Concurrent Resolutions "Favoring an organization for far eastern cooperation" were introduced on August 11, 1949.\textsuperscript{70} Less than a year later, on July 13, 1950, nine House Concurrent Resolutions favoring a Pacific Pact and United States partip-

\textsuperscript{68}Congressional Record, 81st Congress, 1st Session, p. 10144.

\textsuperscript{69}Ibid., p. 10255.

\textsuperscript{70}Ibid., p. 11316.
cipation therein" were initiated. The specific provisions of the organization and pact favored by these resolutions were not spelled out. It is probable, however, that the sponsors had in mind something similar to the North Atlantic Treaty. If such was the case, the purpose of these measures was fulfilled on September 8, 1954, with the signing of the South East Asia Treaty Organization Pact.

In respect of most of the subjects discussed in this chapter, the purposes of many resolutions have been at least partially fulfilled even though such resolutions were not approved. The existence of NATO, SEATO, and the OAS establishes the fact that the purpose of the resolutions pertaining to regional organizations have been substantially fulfilled. Those measures calling for the creation of a United States of Europe have, of course, not been fully implemented, although the Schuman Plan and continuing efforts for economic cooperation constitute steps in that direction. Such resolutions reflect the favorable attitude of the United States toward any program designed to strengthen the countries of western Europe even though many

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71 Congressional Record, 81st Congress, 2nd Session, p. 10127. Three other identically worded House Concurrent Resolutions were introduced in this session.

72 Bailey, op. cit., p. 925.
of them were not passed.

At the tenth annual session of the General Assembly it was decided to hold a conference on the problem of revising the United Nations Charter. This action represents at least the partial fulfillment of those resolutions calling for a conference to consider this matter, and also illustrates the fact that resolutions may perhaps influence policy even though they are not approved. The problem of the veto will undoubtedly be discussed at such a conference, a step called for in many of the resolutions; the possibility of securing the creation of an autonomous United Nations police authority, however, seems more remote. The fact that almost all of these measures express the faith of the United States in the United Nations or in some form of world organization reflects an attitude toward international problems and organization quite different from that which prevailed in debates concerning the Covenant of the League of Nations and the World Court. The point of view prevalent since 1945 seems to be based upon a recognition of the fact that the United States has international as well as domestic interests and obligations. It is true that resolutions calling for the creation of a world federation represent a rather extreme point of view, but the introduction of an appreciable number of such measures clearly emphasizes the change in attitude in the United States toward world organization.
General acceptance of some form of world organization, as contrasted with the post-World War I attitude, is also reflected in another way by Congressional resolutions. While some measures opposing the surrender of United States sovereignty to any world or regional organization were initiated after 1945, no resolution calling for the withdrawal of the United States from the United Nations or any regional organization was introduced. Several resolutions, however, had been initiated opposing United States membership in the League of Nations and, of course, the reservations attached by the Senate to the resolution which embodied United States adherence to the Statute of the World Court were one of the primary reasons the United States never participated in the work of that body as a member.\(^73\)

\(^73\)The following resolutions exemplify the type opposed to United States membership in the League or the World Court: (1) "Requesting the President and Secretary of State to withhold action looking to the entry of the United States into the League of Nations or World Court" (S. Res. 253; 69th Congress; 1st Session); (2) "Expressing disapproval of the League of Nations and its agency, the World Court" (H. Res. 231; 69th Congress; 1st Session); (3) "To revoke our proposed adherence to the World Court" (H. Res. 258; 69th Congress; 1st Session); (4) "Recinding the resolution authorizing the entry of the United States into the so-called World Court" (S. Res. 282; 69th Congress; 2nd Session); (5) "Praying the Senate of the United States of America to rescind its action favoring membership of the United States in the Permanent Court of International Justice" (H. Res. 323; 69th Congress; 2nd Session); and (6) "Requesting the President not to take any further action in reference to the World Court" (S. Res. 34; 70th Congress; 1st Session).
The absence of resolutions opposing or questioning United States membership in the United Nations attests both the effectiveness of legislative-executive cooperation in regard to the United Nations and the marked change of attitude among the members of Congress in respect of a world organization.
CHAPTER IX

CONSTITUTIONAL IMPLICATIONS OF RESOLUTIONS

Some of the resolutions introduced between December 1, 1924, and January 2, 1951, were directed specifically at the present constitutional arrangement for the formulation and conduct of foreign policy. Others, though dealing primarily with a given problem or situation, had definite constitutional implications for one reason or another. It is the purpose of this chapter to discuss these resolutions and the constitutional points of view which they advanced. That the use of the Congressional resolution is not highly effective as a means of fostering constitutional alterations is borne out by the fact that none of the resolutions discussed in this chapter was passed.

THE REFERENDUM AS A MEANS OF FORMULATING FOREIGN POLICY

Three times during the 26-year period under consideration the desirability of holding a popular referendum on a particular subject pertaining to foreign policy was broached by a Congressional resolution. The first of these three resolutions concerned the problem of United States adhesion to the Statute of the Permanent Court of International Justice. On January 23, 1926, Senate Resolution 126 "favoring a referendum on the question of the adhesion of
the United States to the World Court" was introduced by Mr. Nye. In view of the fact that the question of United States adhesion to the Court had already been submitted to the Senate under the provisions of Article II, section II of the Constitution, which does not provide for the submission of treaties to any body other than the Senate for "advice and consent", the wording of Senate Resolution 126 is interesting: "Whereas this question of such adhesion is of such vital importance to the American people that this Senate has no moral right to pass on this important matter, either negatively or affirmatively, until the voice of the American people shall have been heard, and heard distinctly, above the influence of the now attendant propaganda. . . ."

While there is no constitutional prohibition against the holding of a referendum, the complications of such a procedure are manifest. This resolution mentioned both the importance of the question being considered and the fact that a good deal of propaganda had been disseminated concerning that question. Because of this, the matter was to be referred to the people. If this point of view were logically extended, however, the Senate would, for all practical purposes, be divested of most of its authority.

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1 Congressional Record, 69th Congress, 1st Session, p. 2646.
2 Ibid.
to grant "advice and consent" to treaties, since it would have no "moral right" to perform its constitutional function in respect of any important and controversial treaty which was the subject of debate and propaganda; such matters would, from the point of view expressed in this resolution, have to be decided by a popular referendum.

In 1941, a referendum was again suggested as the proper instrument to be used in determining a matter of foreign policy. On March 27, Senators Nye, Wheeler, Capper, La Follette, Clark of Idaho, and Shipstead sponsored Senate Concurrent Resolution 7 which provided for "an advisory war referendum". Approximately three months later House Resolution 265, which also provided for a referendum on war, was initiated. The former of these two resolutions was concerned not only with the question of declaring war, but also with the matter of the disposition and location of the armed forces. Senate Concurrent Resolution 7 declared that, in regard to the use of armed forces outside of the Western Hemisphere or the territorial possessions of the United States, "the Congress, shall, before it shall authorize, or support by appropriation, the use of such forces elsewhere, order a national advisory election of all eligible voters on the following question: Shall the Congress under existing conditions

\[^{3}\textit{Congressional Record, 77th Congress, 1st Session, p. 2610.}\]

\[^{4}\textit{Ibid.}, p. 5916.\]
approve the use of land, naval, and air forces outside the Western Hemisphere or the Territorial possessions of the United States and appropriate funds necessary for such military and naval operations?" \(^5\)

The fact that the referendum was to have been advisory in nature saves the resolution which advocated it from the charge of violating the Constitutional provision giving to Congress the right to declare war. The practical difficulties of conducting a referendum on any national question are great and on the question of war they could be suicidal. In addition to the practical difficulties, the tacit assumption of the resolution that Congress must authorize the use of armed forces and may dictate the place in which they are to be used is at variance with the opinion of most writers on the subject, typified by the following statement: "It is doubtful whether Congress could even indirectly control the President's power as commander-in-chief to direct the movement of forces through provisions in appropriation bills making funds available for the support of the army only on condition that it is employed in a certain way or upon certain territory." \(^6\)

PRESIDENTIAL AUTHORITY AS COMMANDER-IN-CHIEF

The question of the President's authority as commander-in-chief of the armed forces was raised indirectly by the resolution just discussed. During the latter part

\(^5\)Ibid., p. 2610.

of the 1920's, this authority was directly questioned in resolutions dealing with the use of the armed forces in Central America and the Caribbean.

On April 16, 1926, Senate Resolution 202 "Calling for legislation for the removal of the military forces from Haiti and the restoration of the government of that country to the Haitian people" was introduced. This measure requested the Committee on Foreign Relations to report to the Senate what legislative measures would be necessary to provide for the establishment of a Government of Haiti which would be controlled by the people of that country and which would be the government of their choice. The resolution further called for a report on measures necessary to effect the "withdrawal of all United States troops, military and naval, and other officials from the country except for such 'regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic'." In discussion of this measure, its sponsor, Senator King, stated that in his opinion, "if the executive department refuses to do its duty and to withdraw our military forces, Congress should enact such legislation as will bring about that result."

\[7\] Congressional Record, 69th Congress, 1st Session, p. 7584.
\[8\] Ibid., p. 9256.
\[9\] Ibid., p. 9269.
This resolution seems to have as its premise the belief that Congress possesses the authority to control the disposition of the armed forces by law. Mr. Mathews' statement, cited above, contradicts this assumption. While it is true that only Congress can appropriate money and raise an army, once funds have been made available and an army has been placed "at the disposal of the President, he may appoint the military and naval officers and has full control over the direction of the movements of the forces, not only in this country but also on the high seas and abroad."10

Mr. King introduced two other resolutions dealing with the extent of the President's authority in regard to the armed forces. On February 6, 1928, he initiated Senate Resolution 138 authorizing an inquiry "into the right of the President to employ the armed military and naval forces of the United States to carry on belligerent operations in certain foreign countries."11 Slightly more than a year later, on April 18, 1929, he sponsored Senate Resolution 15,

10 Mathews, op. cit., p. 261. See also Memorandum of Jan. 6, 1951 entitled Assignment of Ground Forces of the U. S. to Duty in the European Area, Hearings before the Senate Committee on Foreign Relations and the Senate Committee on Armed Services, 81st Cong., 1st Sess., (1951) pp. 88-93. The subject is also discussed in Power of the President to Send Armed Forces Outside the U. S., Com. Print., 82 Cong., 1st Sess. Feb. 28, 1951.

11 Congressional Record, 70th Congress, 1st Session, p. 120.
the wording of which was identical to his resolution of February 6, 1928.\textsuperscript{12}

These resolutions mentioned briefly the powers granted to Congress in respect of the armed forces by Article I, section VIII, of the Constitution. The Committee on the Judiciary was asked to "examine into and report to the Senate upon the question whether or not the Executive, in the exercise of the powers invested in him by the Constitution, has the right to employ the armed military and naval forces of the United States to carry on belligerent operations in foreign countries in cases where Congress has not declared a state of war to exist or authorized the employment of the military or naval forces in or against such countries."\textsuperscript{13} It is clear that the constitutional point at issue, the sole authority of the President to deploy the armed forces, is the same as that contested by Mr. King's resolution of April 16, 1926, which was discussed above. The statements of Mr. Mathews, cited above, upholding the President's authority are equally applicable here. Had these resolutions been passed, their implementation would have been difficult. Congress could have approved legislation designed to secure the withdrawal of the armed forces,

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\textsuperscript{12}Congressional Record, 71st Congress, 1st Session, p. 120. \\
\textsuperscript{13}Congressional Record, 70th Congress, 1st Session, p. 2503.
\end{flushright}
but the constitutionality of such legislation would have been questionable. In addition, Congress would have had no means of enforcing its decision other than impeachment or refusal to pass any appropriation bill for the armed forces. If the resolutions had been implemented, however, the President could no longer have been considered to be the commander-in-chief of the armed forces, at least not in fact even though the wording of the Constitution might have remained unchanged.

The final resolution dealing with Presidential authority over the armed forces was sponsored by Senator Morris on March 9, 1920.14 This measure, while it was at least secondarily directed to the question of Presidential authority over the armed forces, was primarily concerned with inquiring into the authority of the Chief Executive to conduct an election in Nicaragua. The Committee on Foreign Relations was asked to study and report on the following six questions: (1) "What, if any, authority did the President of the United States have to accept such invitation on the part of the Nicaraguan Government to supervise an election in Nicaragua?"; (2) "If the Committee finds that the President of the United States did have such authority, then it is directed to report to the Senate whether, in its judgment, the same authority does not give the President of the United States the right to supervise any elections in any foreign country;" (3) If the President does not have such authority,

14Congressional Record, 70th Congress, 1st Session, p. 4362.
the Committee shall report the legislation necessary to "prevent such illegal use of the armed forces of the United States in the future;" (4) If the President has the authority to use the armed forces to supervise an election in Nicaragua, "has he not the same authority to use the same forces in the supervision of an election in any other foreign country?"; (5) Will such use of the armed forces tend to bring war between the United States and "foreign nations where such supervisory authority is attempted?"; and (6) If the President has such authority in regard to foreign countries, "does he possess the same authority to use the armed forces of the United States to supervise elections in different States of the Union and would such use of the Army and the Navy of the United States be advisable in cases where the Senate has official information of corruption taking place in State elections where members of the Senate and House of Representatives are elected?"  

The third question is predicated on the assumption that Congress has the authority to regulate the use of the armed forces abroad. Consequently, the constitutional question here is the same as it was in respect of the other resolutions dealing with this subject and the previous statements of Mr. Mathews and others are applicable.

\footnote{Ibid., p. 4382.}
The question of the extent of Presidential authority in establishing or re-establishing diplomatic relations arose in connection with United States-Turkish relations in the 1920's. In the 1800's various treaties had been negotiated which provided for the regulation of diplomatic relations between the two countries.

During the period of World War I, diplomatic relations between the United States and Turkey were, of course, broken off; such action did not, ipso facto, nullify the previous treaties however. While international law on the subject of the effect of war on treaties is by no means settled in all its phases, the Supreme Court has ruled that all treaties are not necessarily invalidated by war. In Society for the Propagation of the Gospel in Foreign Parts v. New Haven, the Court, after declaring that some treaties may be terminated by war because of the "object and import" of such documents, stated: "We think . . . that treaties stipulating for permanent rights and general arrangements, and professing to aim at perpetuity, and to deal with the case of war as well as of peace, do not cease on the occurrence of war, but are, at most, only suspended while it lasts; and unless they are waived by the parties, or new and repugnant stipulations are made, they revive in their operation at the return of peace." In any case, on January 18, 1927, the Senate refused to consent to a new treaty regulating general wheaton 164 (1623).
relations with Turkey. Subsequently, on February 18, 1927, a modus vivendi, under the terms of which ambassadors were to be exchanged, was concluded by the representatives of the two countries. 17 On April 10, 1928, more than a year later, Senate Resolution 194, "Declaring invalid certain acts of the Executive in connection with the matter of diplomatic relations with Turkey," was introduced. 18

This resolution maintained that diplomatic relations could not be re-established between the United States and Turkey except on the basis of the treaties of 1830, 1862, and 1874, or under a treaty to be negotiated in the future. It further stated that the reception of the Turkish ambassador and the recess appointment of Joseph Grew as United States ambassador, together with the subsequent submission of Grew's appointment to the Senate for confirmation, "were invalid acts on the part of the Executive, subversive of the harmonious relations which should exist between the Executive and Legislative departments of the Government, and constitute a serious and unwarranted infringement by the Executive on the constitutional powers of the Senate and a violation of both the spirit and letter of the Constitution." 19 The resolution continued, "it is recognized that a modus vivendi is but a temporary arrangement entered into by Executive agreement without the advice and consent of the Senate, and merely contemplates temporary action until the completion of negotiations will give the Senate an opportunity

17 Ibid., p. 6143.
18 Ibid., p. 6142. The text of this resolution may be found on pages 6142-6143.
19 Ibid., p. 6143.
to pass upon the subject matter in the form of a treaty."²⁰

The sponsor of this resolution seems to have felt that the consent of the Senate was necessary before the President was authorized to receive the Turkish ambassador. Article II, section III of the Constitution, however, confers this authority upon the President and such authority "is exclusively an executive prerogative and is not shared with Congress or with either of its houses"; a decision made by the President while exercising this authority "is final and is not subject to review by either Congress or the Courts."²¹

This resolution was probably not intended to be a challenge of the President's authority to recognize a new Government, although it could perhaps be so construed because the Ataturk regime had replaced the pre-World War I Turkish Government. Viewed in this light, Senate Resolution 194 can be listed as another attempt to establish legislative authority in respect of recognition. Previous attempts had been made to achieve this goal, but none had been successful. In 1818, and thereafter, Henry Clay attempted to establish legislative recognition by means of an appropriation bill. President Monroe did not agree with this point of view, but in 1822 he invited Congress to appropriate funds for United States missions in newly independent states of Latin America if it concurred in the recognition

²⁰Ibid.
²¹Plishcke, op. cit., p. 61.
of those countries; the appropriation was made. This incident indicates that when the President wishes, Congress can share in acts preliminary to recognition. In 1896, Senator Bacon introduced a resolution, which failed to pass, declaring that recognition was an act to be taken exclusively by the legislature. In 1897, a Senate Joint Resolution recognizing complete Cuban independence was introduced but not approved.

The power of recognition is not expressly granted by the Constitution. The consensus of opinion, however, holds that it is vested in the President as a logical outgrowth of his authority to send and receive diplomatic representatives and to negotiate treaties, and that "the President can extend recognition without consulting the Senate." Even if Congress were to pass a resolution presuming to grant recognition to a given country, that body does not possess the constitutional authority to make such a grant effective since only the President can send and receive diplomatic representatives. Congress could not even send official notification of such recognition to the government involved because, in the words of the Supreme Court in the Curtiss-Wright case, the President has "exclusive power . . . as the sole organ of the Federal Government in the field of

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22 Plischke, op. cit., p. 66.
international relations—a power which does not require as a basis for its exercise an act of Congress, but which of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution.”  

In view of the constitutional grant of authority to the President to send and receive diplomatic personnel, noted above, two resolutions introduced in 1947 are of special significance. On November 20, 1947, House Resolutions 361 and 362 were introduced. The first of these two measures authorized “the Speaker to appoint two of the membership of the House to consult personally with the head of the Russian Government”; the second authorized "the Speaker and minority leader of the House to consult personally with Premier Joseph Stalin." It seems clear that such representatives would represent the United States Government in the contemplated conversations, but the Constitution does not bestow upon the House of Representatives, or the Senate, authority to appoint such representatives or to authorize such consultations. Only the President is constitutionally authorized to appoint diplomatic personnel, with the consent of the Senate in the case of regular diplomatic personnel. Consequently, members of Congress cannot officially represent the United States.

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24 299 U.S. 304 (1936).
25 Congressional Record, 80th Congress, 1st Session, p. 10696.
26 Ibid.
abroad unless they have been appointed by the Chief Executive. It is probable that these resolutions do not represent a legislative attempt to usurp the executive authority to send diplomatic representatives abroad; perhaps the constitutional implications of these measures are the result of unfortunate wording.

CONGRESS AND INTERNATIONAL AGREEMENTS

The proper role of Congress, and particularly of the House of Representatives, in the negotiation and approval of international agreements has been the cause of considerable debate. Article II, section II of the Constitution, of course, empowers the Senate to render its "advice and consent" on treaties by a two-thirds majority vote. The House of Representatives is not directly associated with this process by a constitutional grant of authority. In the case of a treaty calling for the expenditure of funds to be appropriated by Congress, the House can, of course, prevent the treaty from being executed, but it cannot prevent the negotiation and ratification of such an agreement. During the period between December, 1924, and January, 1951, four resolutions dealing with this matter were introduced in the House.

House Resolution 529, "Providing for the creation of a Congressional committee and the consent of a majority thereof before any foreign political commitments are entered into," was introduced by Mr. Fish on June 11, 1938.\(^27\)

\(^27\) Congressional Record, 75th Congress, 3rd Session, p. 8917.
The creation of such a committee would, of course, have provided the House with a means for registering its opinion formally in regard to international agreements. While the pro's and con's of House approval of treaties is still being debated, there is no question that such an arrangement as was contemplated by House Resolution 529 would be quite similar in nature to a constitutional amendment; certainly a formal amendment would be necessary in order to effectuate such a change. In addition to its effect on the approval of treaties, the creation of a Congressional committee for the purpose contemplated in the resolution would also have a decided bearing on so-called "executive agreements."

It is understood that executive agreements can be made by the President on his own authority without the necessity of securing the "advice and consent" of the Senate. The year before House Resolution 529 was introduced, the Supreme Court had upheld the validity of an international executive agreement, the Litvinov Assignment, in United States v. Belmont.28 Under the terms of that agreement "the Soviet Union assigned to the United States, in liquidation of the latter's claims, certain bank deposits in New York, which the former had confiscated from a Czarist Russian corporation;" this agreement was held to be valid even though a state policy might conflict with it. The Court held that the extension of recognition to the Soviet Union by the President, and the agreements attendant thereto,

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28 301 U.S. 324 (1937).
were a valid exercise of executive power as the President has "authority to speak as the sole organ of that govern-
ment." Had the Congressional committee been created and
been made operative, this decision of the Court would have
been challenged.

On May 27, 1943, Representatives Bradley of Michigan
and Smith of Ohio introduced identically worded concurrent
resolutions (House Concurrent Resolutions 22 and 23) relating
to the International Food Conference. These resolutions
provided that "any commitment by the signatories to the
International Food Conference does not bind the United States
of America in any way to the decisions arrived at unless
approved by the Congress of the United States." The
purpose of such resolutions as these obviously was to require
that any executive agreement on the subject be approved
by the House as well as by the Senate before such agreements
could be made effective.

The final resolution dealing with the role of Congress in regard to international agreements which was introduced
during the period covered by this study was directed specifi-

29 United States v. Belmont, cited above. See also,
United States v. Pink, 315 U.S. 203 (1942) which also
stated this doctrine.

30 Congressional Record, 78th Congress, 1st Session,
p. 5013.
callly at the treaty-making process. House Resolution 156, "Declaring the constitutional right and duty of the House of Representatives to deliberate and act upon treaties in certain cases," was introduced on March 2, 1945. This measure was referred to the Committee on the Judiciary with no debate or explanatory comment on the part of its sponsor. Consequently, it is impossible to determine the basis of the "constitutional right and duty" which the sponsor thought to exist; it is likewise impossible to know in what specific circumstances or cases the House was to exercise its "constitutional right and duty" in respect of treaties. As has been stated previously, Article II, section II of the Constitution requires the President to secure the "advice and consent" of the Senate before ratifying a treaty; there is, however, no constitutional obligation imposed upon the Chief Executive to follow such procedure in regard to the House of Representatives.

PROCLAMATIONS DECLARING A STATE OF WAR TO EXIST BETWEEN TWO FOREIGN COUNTRIES

The subject of this section was covered briefly in chapter VII in connection with Senate Concurrent Resolution 35, introduced on January 16, 1940, which declared a state of war to exist between Finland and the U.S.S.R. House

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31 Congressional Record, 79th Congress, 1st Session, p. 1707.
32 Congressional Record, 76th Congress, 3rd Session, p. 354.
Concurrent Resolution 43, initiated on January 30, 1940, dealing with the same subject, and House Concurrent Resolution 44, introduced on June 30, 1941, authorizing Congress to declare a state of war to exist between Germany and the Soviet Union. In addition to these measures, two resolutions were introduced declaring a state of war to exist between China and Japan, Senate Concurrent Resolution 36 on January 16, 1940, and House Concurrent Resolution 44 on January 30, 1940.

Like the resolutions discussed in the preceding chapter, Senate Concurrent Resolution 36 pointed out that section 1 (a) of the Neutrality Act of 1939 vested in the President or Congress, by concurrent resolution, the authority to find that a state of war existed between two foreign countries; if a state of war was found to exist, the President was to issue a proclamation naming the states involved in the conflict and the provisions of the neutrality law would automatically come into effect. This resolution found a state of war to exist between Japan and China, and, consequently, requested the President to issue a proclamation in accordance with section 1(a) of the Neutrality Act. The sponsor of this resolution, Mr. Gillette, affirmed that the action requested by this resolution "would be a step

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34 *Congressional Record*, 77th Congress, 1st Session, p. 5698.
35 *Congressional Record*, 76th Congress, 3rd Session, p. 355.

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toward putting into effect the present neutrality law, with its consequent restrictions on American commerce;" nonetheless, he felt that the resolution was a necessary step because the Neutrality Act placed upon Congress "a responsibility corresponding with that which has been placed on the President in the matter of finding a condition of war to exist if and when it does exist throughout the world."  

It is true that Congressional authority in this instance came from a previous enactment of the legislative body, the Neutrality Act of 1939, which had been signed by the Chief Executive. While the President's signature indicates that he acquiesed in this grant of power to Congress, the constitutionality of such a grant may be questioned as it is very doubtful whether the legislative branch can arrogate to itself additional authority by its own enactments, even if such measures are signed by the President. The effect of the resolutions of 1940, cited above, was to determine the time when the Neutrality Act was to come into effect. That Act, however, also required a Presidential proclamation to put it into effect, and the resolutions noted above requested the Chief Executive to issue such a proclamation. Even if Congress were to include a proclamation in a legislative measure, it would have no means of forcing the President to issue a proclamation or to notify other governments of the legislative proclamation declaring that

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38 Ibid.
the United States considered a state of war to exist between two specified countries and consequently considered itself governed henceforth by the provisions of its own neutrality legislation and international law pertaining to the rights and duties of neutrals.

SUMMARY

As noted at the beginning of the chapter, none of the resolutions discussed above was passed by either house of Congress. In regard to most of the measures, very little debate took place and what discussion was held was not, in most instances, directed primarily to the constitutional point at issue. Had committee reports been made on any of the resolutions, the constitutional questions involved would undoubtedly have been elucidated more fully; none of the resolutions, however, was reported out by the committees of reference.

The resolutions discussed in this chapter fall into one of three categories: (1) challenges to established executive authority in foreign affairs; (2) challenges to the established procedure of conducting foreign affairs; and (3) measures embodying what appear to be unsound constitutional implications.

The first group includes those measures bearing on executive authority in respect of recognition and of the use of the armed forces abroad without prior authorization of Congress. Some of the resolutions dealing with the latter
subject also postulated, at least by implication, the right of Congress to regulate by law the deployment of the armed forces. The resolutions challenging the authority of the Chief Executive to recognize the post-World War I Turkish Government, also questioned a specific constitutional grant of authority to the President to send and receive diplomatic officials.

Resolutions advocating a change in the established method of conducting foreign affairs, category 2, were concerned primarily with the treaty and agreement-making power. These measures were designed to give to the House authority which it does not now possess within this area of diplomacy. Indeed, some of the resolutions were aimed at increasing the scope of authority of both the House and the Senate by requiring that all international agreements, as well as treaties, be approved by both houses of Congress before such agreements would become effective. No doubt they reflect some of the points of view later presented by Senator Bricker in his proposed amendment to the Constitution.

Those resolutions which embody constitutional implications fundamentally unsound in nature may, as already brought out, have been worded badly. It is hardly imaginable that those measures assuming to authorize (1) two members of the House, and (2) the Speaker and minority leader of the House, respectively, to consult personally with the head of the Russian Government were intended to establish an existing right on the part of Congress to carry on diplomatic relations.
Even though none of the resolutions discussed in this chapter was passed, nor even brought to a vote, their significance must not be underestimated. They are important primarily because they reflect points of view toward the constitutional distribution of power in the conduct of foreign affairs. They disclose elements of friction and misunderstanding between the President and Congress.
The purpose of this study has been to determine the extent to which Congressional resolutions were used as instruments to influence foreign policy between December, 1924, and January, 1951, and also to determine, where possible, how effective resolutions have been for this purpose. Conclusions in regard to various aspects of this matter have been stated in the foregoing chapters; it would seem appropriate to summarize these conclusions at this point.

A marked increase in the introduction of resolutions is apparent after 1939, and this increase continued after 1945. The number of resolutions which were actually approved by one or both of the houses of Congress did not, however, increase nearly so fast; consequently, a very small number of measures were passed during the 26-year period covered by this study. This fact clearly shows that the Congressional resolution was not used frequently as an instrument to influence foreign affairs. While an appreciably greater number of resolutions were introduced in the House of Representatives than in the Senate, the latter body has a more impressive record than the former in terms of the ratio of resolutions passed to resolutions introduced.
The fact that over 40% of the measures which were approved were "ceremonial" resolutions (resolutions embodying messages of thanks, congratulation, condolence, etc.) corroborates the conclusion that this instrument was used only infrequently in regard to significant matters of foreign policy. That no House resolution pertaining to "economic policy" was approved may be somewhat surprising to some people in view of the special constitutional position of the House of Representatives in respect of appropriations; in a like manner, the fact that more resolutions dealing with the negotiation of treaties and agreements were initiated in the House than in the Senate may be rather unexpected since the upper house is more directly concerned, constitutionally, with this matter than is the lower house. The increased introduction of resolutions pertaining to "international organizations", particularly after the cession of hostilities in 1945, reflects both the advent of the United Nations and the changed attitude toward world affairs and international obligations on the part of the Congress.

A considerably greater number of "direct request" resolutions were introduced in the House than in the Senate, although both houses passed the same number (10) of measures of this type. The number of resolutions of this type introduced in the lower house reflects an increasing interest in foreign affairs on the part of the members of that body and may indicate a desire on the part of Representatives to exert a more direct influence on foreign policy rather than
such indirect control as they may exercise through the appropriation power. This conclusion must be qualified, however, since the House of Representatives, as noted above, did not pass any more "direct request" resolutions than did the Senate. Only a comparatively few requests for information were approved by the Senate and none was passed by the House; this is surprising in view of the fact that difficulty in "securing adequate information is generally considered to be one of the major problems which confronts Congress in foreign affairs." It is possible that improved executive-legislative liaison in regard to foreign affairs has provided sufficient information to the legislative body on this matter.

It has been pointed out previously that the Congressional resolution can be used for the purpose of embarrassing the executive. Consequently, it might be expected that the members of the party politically opposed to the President would introduce a substantially greater number of resolutions than members of the President's party. This proposition is not substantiated by the figures for the period 1925-1950. A lack of strong party discipline in Congress may be reflected in this fact. The Congressional resolution may also be used by members of the President's party in Congress, and by members of other political parties, to indicate support for a contemporary policy or approval of a past policy or action. Several examples of this type of resolution have been
cited in previous chapters. The resolution was not used a
great many times for this purpose during the period covered
by this study. Members of 3rd parties initiated relatively
few resolutions, perhaps affirming the almost unanimous
acceptance, and certainly the strength of, the two-party
system in the United States.

TRENDS

Evidence showing that the House of Representatives
has become increasingly aware of the importance of foreign
affairs and that the members of that body apparently desire
to exert a greater influence upon the conduct of foreign
policy has already been discussed. The improved position of
the lower house in this area of governmental policy may be
expected to be maintained in the future since the cooperation
of both houses is necessary to the successful conduct and
implementation of a foreign policy as broad and far-reaching
as that of the United States.

The number of resolutions bearing on foreign affairs
introduced increased substantially between 1925 and 1950; it
is probable that this increase will continue, or at least
the number initiated is not likely to decline in the near
future. On the basis of the figures for the period covered
by this study, however, the number of resolutions passed
will probably not increase a great deal, which means, of
course, that the Congressional resolution shows no present
sign of becoming a much more effective instrument in the
near future. Whether a larger percentage will be passed, will
depend in part at least upon whether a consensus of opinion exists in regard to broad foreign policy goals. If legislative-executive cooperation is maintained as it was in regard to such matters as the formulation and acceptance of the Charter of the United Nations, the Congressional resolution may be increasingly used to indicate agreement in regard to broad objectives of foreign policy. Certainly there is no reason to believe that it will become a method of directing the administration of foreign policy or of dealing with the day-to-day problems which arise.

In chapter I it was brought out that the consensus of opinion among authors on the subject is that the Congressional resolution is the most important instrument through the use of which Congress can exert positive influence upon foreign affairs. This study clearly shows, however, that the resolution has not been used extensively for this purpose. This does not necessarily mean that the legislative branch has abrogated its responsibility in this field of governmental activity; rather it suggests a recognition by Congress of the propriety of executive leadership in foreign affairs. If the Congressional resolution were to be used extensively in respect of foreign policy, and if implementation of such measures were to be consistently secured by one means or another, an undue amount of legislative formulation of foreign policy might easily result. It is the opinion of most writers that the legislative branch is not adequately equipped to perform this task.
From these conclusions which have been made, it by no means follows that the Congressional resolution is not important. Every measure which is introduced reflects the opinion of at least one of the members of Congress, and this opinion may have the consideration of the executive in the formulation of policy. Every resolution introduced provides one means by which Congress or some of its members can make an opinion known and a matter of record; although the President is not legally bound by such expressions of opinion, he may well be affected by it; some evidence that this is true has been given in earlier chapters.

It has been suggested before that improved executive-legislative liaison in the field of foreign affairs would be expected to diminish the need for Congressional resolutions, particularly those calling for information and those with a hostile intent. The figures given in earlier chapters do not, however, indicate that the establishment in 1941 of an Assistant Secretary of State for Congressional Affairs, in place of the informal organization for maintaining relationships with the Congress in the 1930's, had any appreciable effect upon the number of such resolutions. In regard to certain specific policies, however, (such as the formulation and approval of the United Nations Charter) additional devices have been utilized to secure a more closely-knit working relationship between the two branches. In some of these instances, discussed previously, the effect upon the number of resolutions initiated has been noticeable. In this
connection attention may be called to the establishment in the Senate Foreign Relations Committee in 1950 of subcommittees corresponding to the main subdivisions of the Department of State. Whether the liaison resulting from this change will affect the future use of resolutions remains to be seen.

The personalities of the President and of the leading member of Congress are, of course, a factor in the use of resolutions, but one whose importance cannot be reduced to figures. The resolution represents merely a procedure; like all procedures, its employment will depend ultimately upon men and the conditions of the time.
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Cases

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