

January 1952

The Treaty Making Power

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

The Treaty Making Power, 29 Dicta 197 (1952).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

The Treaty Making Power

THE TREATY MAKING POWER

At the Mid-winter Meeting of the American Bar Association in Chicago last February, the House of Delegates approved a resolution favoring an amendment to the Federal Constitution relative to the operation of Treaties, reading as follows:

“A provision of a treaty which conflicts with any provision of this Constitution shall not be of any force or effect. A treaty shall become effective as internal law in the United States only through legislation by Congress which it could enact under its delegated powers in the absence of such treaty.”

The Association is deeply concerned as to the possible effect of the Genocide Convention and the Covenant on Human Rights, as well as other similar Treaties, upon the domestic affairs of the States and the Nation.

The Louisiana State Bar Association, On May 10, 1952, unanimously adopted a resolution favoring an amendment to the Federal Constitution providing that Executive Agreements or Treaties with foreign nations shall not become the internal law of the land unless implemented by appropriate legislation, and that no such legislation shall be valid if contrary to or in excess of the powers delegated to the Congress by the Constitution.

The action taken by the House of Delegates of the American Bar Association was by no means unanimous and the Standing Committee on Peace and Law through United Nations, and other United Nations supporters, opposed such a constitutional amendment. The following articles by Mr. Justice Moore and other members of the Colorado Bar present some aspects of this controversy. The Colorado Bar Association has taken no action on the matter to date.—*Editor.*

SABOTAGE OF AMERICAN FREEDOMS

JUSTICE O. OTTO MOORE
of the Colorado Supreme Court

Since the subject which we will consider deals generally with the United Nations organization and the charter thereof, it seems advisable that we take a brief look at the condition which existed in the world at the time of the creation of that organization.

Within the generation which preceded the creation of the United Nations, millions of lives had been sacrificed and inconceivable value in material world wealth had been consumed by the gluttonous appetite of the giant war machines of the earth. Two-thirds of the population of the globe were sick, hungry, ill-clothed, ill-housed and oppressed. At long last we began to realize that time and space had been annihilated by the intervention of the airplane, radio, and numerous other evidences of scientific endeavor. We became conscious of the fact that our world had