

SENATOR SAM ERVIN SAYS



The conduct of American foreign policy has become a matter of increasing concern and friction between the Senate and the President in recent years.

Long debates have taken place over the extension of the draft, the termination of the Vietnam war, and even over the powers of the President to carry out his duties as Commander-in-Chief of the Armed Forces. These issues have provoked the most intense feelings on the part of many Americans. They have also involved the most intricate questions of Constitutional law.

In general, I have supported Presidents of both political parties as they have attempted to implement our defense policies and more recently to obtain an honorable conclusion to the tragic war in Southeast Asia.

Thus, I have favored the extension of the draft, and have opposed the establishment of a statutory timetable for the conclusion of the Vietnam war. I made these judgments in accordance with what I deemed best interest of my country. More recently, I voted against the War Powers Act because I do not think that we ought to attempt to deny the President the power to discharge his duties as Commander-in-Chief of our Armed Forces.

Even so, there is much need today to restore a balance of power between the Executive and Legislative branches of the Government in the area of international agreements made with foreign nations on behalf of the United States.

I have, therefore, introduced S. 3475, which has been referred to the Senate Judiciary Committee where its Subcommittee on Separation of Powers will be afforded an opportunity to give careful and definitive

examination of the powers, duties, and prerogatives of the two branches of government in respect to international agreements.

Unfortunately, "executive agreements" have been used all too often to circumvent the use of treaties between our government and other governments. The Constitution mentions only one kind of international agreement—the treaty. The Framers of this document did this purposefully because they were acutely aware that a system of government serves the people best when its powers are distributed among the several branches of the government.

My bill on this subject simply recognizes that the concept of shared powers in the area of international agreements has been substantially eroded by the use of "executive

agreements." The measure defines "executive agreements" and requires that the the Secretary of State transmit each such agreement to both Houses of Congress. If, in the opinion of the President, the disclosure of any such agreement would be prejudicial to the security of the United States, the bill provides that it shall be transmitted to the Senate Foreign Relations and the House Foreign Affairs Committees as a confidential communication.

The bill then provides that the agreement shall be effective after 60 days unless both Houses of Congress pass concurrent resolutions expressing disapproval of its contents.

The need for shared responsibility for these international agreements is obvious. In recent years, such agreements have come to have an immense impact on our daily lives. They involve not only the peace of the world but a multitude of lesser matters.

The Subcommittee on Separation of Powers, of which I am Chairman, begins hearings on S. 3475 this week. I would hope that this study will lead to legislation which will restore the treaty-making power to its rightful position in Constitutional law.

Strength is born in the deep silence of long-suffering hearts, not amidst joy.—Felicia Hemans.

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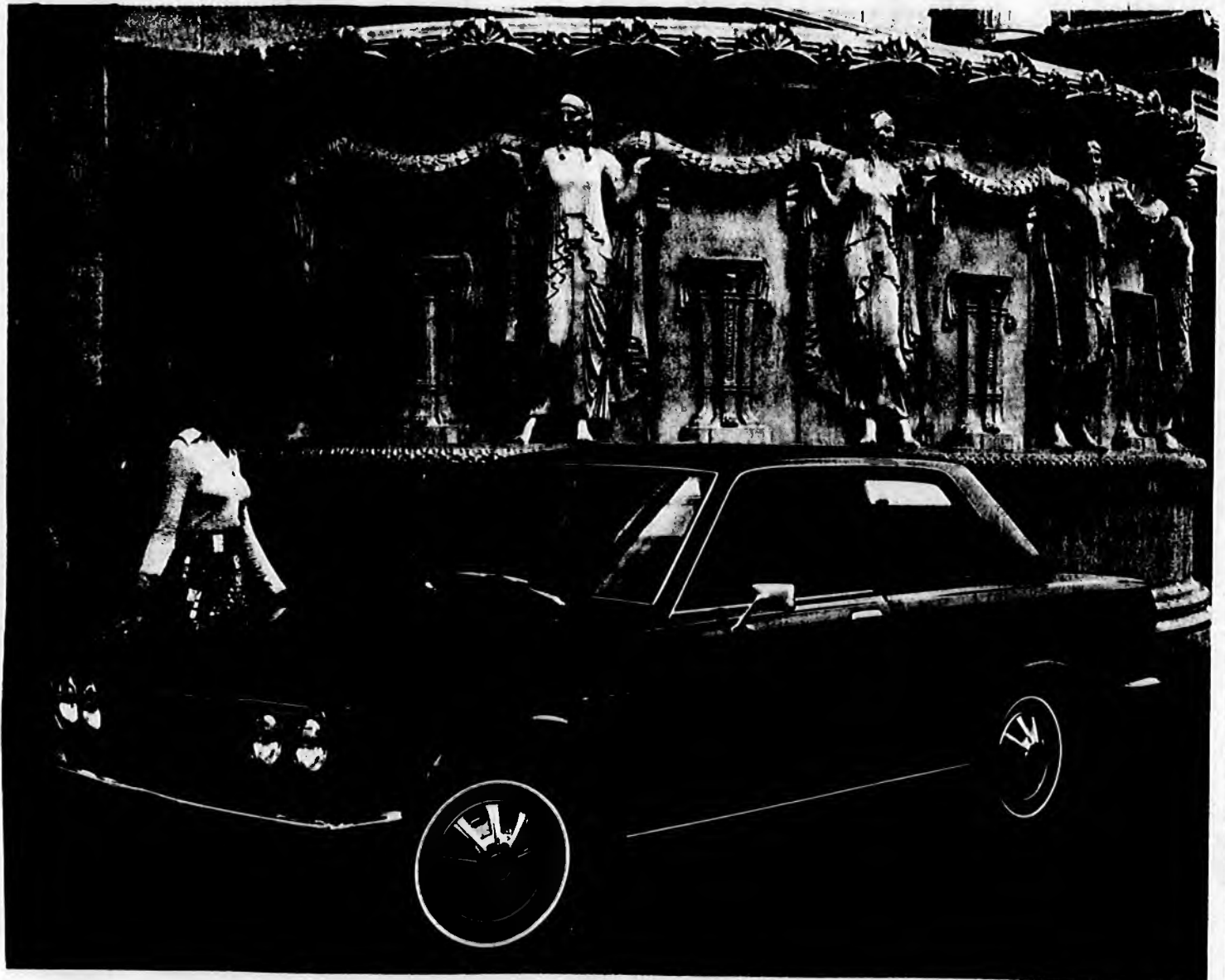
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