

and like matters. We tended to view treaty-making as the sole business of the State Department, the President, and the Senate. Or possibly we assumed that these international engagements did not affect the basic rights of the average citizen and could not result in any substantial infringement of our individual rights as citizens. Certainly we did not believe that treaties could possibly result in changing or destroying the American form of government or its system of free enterprise. But Article VI of the federal Constitution provides that:

“ . . . all Treaties . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

A NEW DEVELOPMENT

SEVERAL court decisions have confirmed the fact that we are approaching a new development in lawmaking. By means of “treaty law,” the normal legislative processes of the Congress and of the state legislatures are to be by-passed by international agreements ratified as treaties. Through such treaties, the established law in the United States and in every state might be changed or nullified

without the people generally knowing anything about it.

The outstanding and most alarming example of the effect of treaties on our domestic law, on our own United States Constitution, and on the thinking of our judges is to be found in the opinion of the Chief Justice of the United States in the 1952 decision dealing with the President's seizure of private property in the steel industry. In his dissent in the steel seizure case, the Chief Justice of the United States advanced the shocking doctrine that the United Nations Charter and other international commitments give the President of the United States authority—nowhere granted to him either by the Constitution or by the laws of the country—to seize private property.

In other words, acting under the doctrine of the new internationalism, the President has powers not only *not* granted to him by the Constitution but moreover even denied to him by the Constitution.

AN EXTRAORDINARY DOCTRINE

THE CHIEF JUSTICE succeeded in getting two other members of the Supreme Court to join him in this extraordinary doctrine whereby the United Nations Charter and commit-