

United States
Legislation
on
Foreign Relations
and
International
Commerce

Cumulative
Index



UNITED STATES LEGISLATION
ON FOREIGN RELATIONS
AND
INTERNATIONAL COMMERCE

A Chronological and Subject Index
of Public Laws and Joint Resolutions
of the Congress
of the United States

Volume 1
1789-1899

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United States Legislation on Foreign Relations and International Commerce:
A Chronological and Subject Index of Public Laws and Joint Resolutions of
the Congress of the United States.

Volume 1: 1789-1899

Volume 2: 1900-1929

Volume 3: 1920-1949

INTRODUCTION

United States Legislation on Foreign Relations and International Commerce is a cumulative index of all public laws and joint resolutions of the United States Congress dealing directly or indirectly with the international relations and transactions of this country during the period of one hundred and sixty years from the first meeting of the Congress in 1789 to December 31, 1949. The index is based on texts published in the *Statutes at Large* because this virtually uninterrupted and chronologically sequential series of volumes contains the most complete record of all federal legislation of the United States. Thus it is of a greater value to a researcher--whether a lawyer, a historian, or a political scientist--than the inherently selective codifications of federal laws in such compilations as the *Revised Statutes* or the *United States Code*. The concluding date of the index is also the result of a deliberate choice. It represents the year when treaties and international executive agreements were last printed in the *Statutes at Large*. Thereafter they began to appear in a separate series known as the *United States Treaties and Other International Agreements*. Thus, 1949 establishes a convenient cut-off point for the present three volumes of the index, though it is expected that future volumes will bring it nearer to date.

As treaties and international executive agreements concluded prior to 1950 are collected now in the *Treaties and other International Agreements of the United States of America 1776-1949*, compiled by Charles I. Bevans, and as they are also made easily accessible through several cumulative indices, it is the aim of the present work to achieve at least a part of the same access to materials on foreign relations and international commerce which have emanated directly from the Congress. Too much attention has been paid to treaties and executive agree-

ments as the main sources of United States "international legislation", though they represent only a small proportion of the total record of United States involvement in international affairs. Public laws and joint resolutions in the same subject areas are equally important and much more voluminous. Yet, with some notable exceptions, they have not received the same attention as treaties and executive agreements. Inadequate indexing may have been one of the reasons.

The materials in *Statutes at Large*, except for some earlier volumes, are profusely indexed. So are the *Revised Statutes* and the *United States Code*. The emphasis of these indices, as well as their systematic orientation, are directed at the domestic law of the United States, and their terminology is certainly not intended to facilitate searches for laws dealing with foreign or international matters. Federal legislation, with the exception of appropriation acts, is also cumulatively indexed through 1931 in two separate works: one by Middleton G. Beaman and A. K. McNamara covering the period from 1789 to 1873, and the other by Walter H. McClenon and Wilfred C. Gilbert, for the period from 1874 to 1931. Unfortunately, these indices demonstrate the same heavy emphasis on domestic law as the indices to the individual volumes of the *Statutes at Large*.

One more point needs to be made about the *Revised Statutes* and the *United States Code*, and the indices contained therein. Both of these works are codifications of federal legislation as it stood on a particular date. They do not include legislative provisions which were either repealed or superseded on that date; neither do their indices make any references to such repealed or superseded legislative materials. This approach weighs heavily against laws on foreign relations and international commerce as legislation in these areas tends to be rapidly overtaken by events. The absence of an element of current validity from such legislation does not, however, make it completely obsolescent. In the first place, it remains of great historical value. Secondly, and of more importance to a lawyer or a politician, such

legislation retains a significant precedential importance as it provides a justification for future Congressional action along the same lines or in the same subject areas as on prior occasions on the basis of the most simple principle that what the Congress did once, it may do again. Based on the texts of public laws and joint resolutions, as they appear in the *Statutes at Large*, the present index is compiled to fill in this important lacuna in the existing compass of reference works on federal legislation.

The Constitution of the United States, without being either very explicit or specific in its language, creates an intricate system of checks and balances in the formulation and development of the international policy of this country by dividing the actual decision-making authority in this area between the President and the Congress. The President has an express constitutional power to enter into treaties with foreign governments and international organizations, but this is where the first of the balancing controls makes its appearance by requiring that such treaties be submitted to the Senate for ratification (*Constitution, Article II, Section 2*). In addition to the treaty-making power, the President is also able to make executive agreements of international character by virtue of his general executive prerogative. These agreements do not need to be submitted to the Senate for approval, but recent legislation requires them to be deposited with the Congress. As the respective spheres of competence of the executive and legislative branches in this area are not confined to specific and mutually exclusive subject matters, the wide authority of the President frequently creates an impression that he is the dominant architect of United States foreign policy, and that treaties and executive agreements constitute the bulk, if not the whole, of the international commitment of the United States. This impression is, however, erroneous. The Congress shares the foreign relations and commerce power with the President much more extensively than just by means of ratifying treaties in the Senate or scrutinizing executive agreements. It has also a direct and unlimited

Constitutional authority to legislate in all matters pertaining to the political, military, economic and commercial dealings of the United States or its citizens with foreign countries. The scope of this authority is nowhere more evident than in *Article I, Section I* of the *Constitution* which defines and delineates the legislative competence of the Congress. This section is replete with such foreign relations and commerce powers as regulation of trade with foreign nations, immigration and naturalization, control of currency and foreign exchange, regulation of industrial property, prevention of piracy and other crimes on the high seas, declaration and prosecution of war, and so forth. The scope of these powers is so extensive that it makes a strong argument for the inference that the authors of the Constitution intended to confer the main foreign relations power on the Congress, and this view is borne out by subsequent Congressional activity as well as by judicial decisions relating thereto. Nonetheless, the linguistically vague delineation of foreign relations powers between the President and the Congress has frequently given rise to irreconcilable conflicts and difficulties. Treaties and executive agreements on the one hand and public laws and joint resolutions on the other--all of them having more or less the same authoritative and binding effect--have tended to overlap and even conflict as both the President and the Congress attempted to exercise their respective powers in disregard of one another.

There are two immediately obvious explanations for this state of affairs. In the first place, the Constitution falls short of clearly spelling out the respective areas of executive and legislative responsibilities in foreign relations. Secondly, authors of the Constitution failed to anticipate the eventual impact of pressures brought about by the realities of an executive government and the element of immediacy in international negotiations on their carefully structured balance of powers system. The ensuing dichotomy may have enriched history and made it more interesting, but it has also contributed to the complexity and uncertainty of our law in the area of foreign relations.

Congress has not been reticent in the exercise of its foreign relations and commerce power. Except for a slack period in the first half of the nineteenth century, it has acted vigorously and extensively. Nothing has been too small or unimportant for it. Its legislation has ranged from such general policy issues as sovereignty over airspace and the inviolability of territory in the Western Hemisphere to such matters of relative insignificance as the award of medals to members of foreign armed forces and the construction of bridges to Canada and Mexico. In terms of documentary history, Congressional legislation contains a much richer lode of information about international policies and commitments of the United States than treaties and executive agreements.

United States Legislation on Foreign Relations and International Commerce winnows this vast amount of information from the *Statutes at Large* and arranges it in a chronological sequence, as well as in a systematical subject order. For the convenience of the reader, the index is divided into three volumes covering the following time-spans:

Volume I	1789-1899
Volume II	1900-1929
Volume III	1930-1948

It might be relevant to draw the attention of the reader at this point to the rapidly narrowing time-span of each succeeding volume. At first blush, the gradually shorter time periods may be assumed to demonstrate an increasing participation of the Congress in foreign affairs. To a large extent this is, however, not so. The true explanation for the accelerated growth in legislation is the sudden expansion in the number of new subject matters, brought about by advances in technology and scientific research, which require either control or regulation. Parallel to these technologically and scientifically generated pressures, there is also a growing awareness in the Congress that economic success requires international interdependence with its innumerable commercial and industrial ramifications. Perhaps nowhere as much as in a capsulated index analysis of the legislative record is the difference between the nineteenth and twentieth centuries so clearly visible. It presents

not only a convenient chronological picture of Congressional achievements and disappointments in the subject area of foreign relations and commerce, but also a panoramic view of the many changes and expansions which took place within the last one hundred years. One of these changes is a greater workload for the Congress, and all indications point towards an exponential increase in this workload so that future volumes of this index may be expected to cover even shorter time-spans.

The major part of each volume of *United States Legislation on Foreign Relations and International Commerce* consists of a chronological index, which is followed by a subject index. The chronological index contains a full title entry to each public law or joint resolution dealing either wholly or in part with a subject matter pertaining to foreign relations or commerce. A highly generous approach is adopted in the selection of relevant entries, and practically any item of legislation not clearly limited to a domestic matter is included. Some agonizing decisions had to be made about inclusion or exclusion of items falling into that nebulous "gray area" in between purely domestic measures and obviously international affairs, and this may account for some inadvertent omissions. By and large, however, the editorial policy was predicated by a safety margin of overinclusiveness. For example, in addition to such customary international topics as diplomatic service and legislation relating to the enforcement of treaty provisions, the index contains also copious references to legislation dealing with aliens, citizenship, immigration and naturalization, export and import, tariffs, customs, shipping, currency and foreign exchange, taxation, and foreign trade. Special attention is given to legislation which extends to territories and possessions outside the continental United States, e.g. the Canal Zone, Philippine Islands, Puerto Rico, the Virgin Islands, etc. Unlike other cumulative indices of the *Statutes at Large*, the index includes also references to appropriation acts because they are often more reveal-

ing about international commitments of the United States than statutes of a purely substantive nature, e.g. appropriation for the suppression of the African slave trade.

Some topics are intentionally excluded because their relationship to foreign relations is either tenuous or substantially insignificant. Thus, the index does not contain any references to:

- (a) laws dealing with the relation between the United States and the American Indians; and
- (b) legislation covering purely administrative or organizational regulation of government agencies such as the Customs Service or the Immigration and Naturalization Service (legislation relating to the Foreign Service is, however, included because of its obvious importance in foreign relations).

In most instances the title entries are followed by short summaries describing the relevance of a particular statute or joint resolution to foreign relations and commerce or by lengthier annotations listing the relevant legislative provisions pertaining to these matters.

The subject indices at the back of each volume refer to all title entries in the chronological indices. Their emphasis is on key-words prevalent in the usage of foreign relations and commerce. In most cases, the subject indices adopt an analytical approach by including references not only to the titles of public laws and joint resolutions, but also to the accompanying notes and annotations. Unfortunately, in order to avoid a picture of tedious repetition, this analytical method of indexing is not used for appropriation acts and for international organizations, commissions, and conferences which are mentioned therein. In regard to these entries the subject indices adopt the title indexing approach by enumerating the page citations to the relevant statutes under broad subject headings followed by descriptive notes which may give the reader an indication about the general scope of materials cited under the particular entry.

Even where the subject matter is as consuming as it is in the area of United States foreign relations

and commerce, the actual process of indexing is neither exciting nor intellectually stimulating. The secret of a successful indexing project is dependent on the presence of three unrelated and, in some respect, contradictory qualities: an unyielding diligence, an incredible imagination, and a superlative knowledge of the subject matter. In spite of the evident merger and display of these qualities, the immediate creative rewards for the compilation of indices are small because works of this nature rank low in the world of literature. The ultimate satisfaction must be based on the reasonable presumption that an index will be used for its proper and legitimate purpose--to ease and simplify the work of future scholars and students.

Compilation of this index required the reading of over 60,000 pages of *Statutes at Large* at least twice, and the writing of several thousand separate entries. This task needed a lot of patience and perseverance which would have frequently failed but for the gentle prodding of the publisher. Typing of the manuscript as well as its repeated checking and rechecking would not have been possible without additional help. In this respect we were fortunate to be assisted with exceptional energy and ability by a group of senior students at Vanderbilt Law School. We owe them a debt of gratitude. To an immeasurably greater extent we are indebted to Mrs. Ellen Toplon without whose virtuoso dexterity on the typewriter and remarkable editorial competence this manuscript would have remained in a state of indecipherable and hurriedly scribbled notes. In its published form, this work is as much hers as it is ours.

In a work of such extraordinary minutiae there are bound to be errors and omissions. For these we alone are responsible.

Igor I. Kavass
Michael J. Blake
Nashville, Tennessee
December 1, 1976

ABBREVIATIONS

A list of the most frequently used abbreviations.

- AD Additional United States international documents of a predominantly legal nature from 1776 to 1949 not having TS, EAS or TIAS numbers and published in the United States Statutes at Large, Malloy, Redmond, Trenwith, Miller or Bevans, or mentioned in the Catalogue of Treaties 1814-1918, Treaties in Force, or other current bibliographies. This designation was used in *United States Treaties and Other International Agreements 1776-1949*, compiled by Igor I. Kavass and Mark A. Michael, and published by Wm. S. Hein & Co., Inc., in 1975.
- BEVANS *Treaties and Other International Agreements of the United States of America 1776-1949*, compiled under the direction of Charles I. Bevans and published by the United States Government Printing Office.
- EAS Executive Agreement Series (a serial publication in pamphlet form by the Department of State of executive agreements on international matters from 1929 through 1945).
- STAT United States Statutes at Large
- TIAS Treaties and Other International Acts Series (serial publication of treaties and other international agreements in pamphlet form by the Department of State since 1945).

ABBREVIATIONS, cont.

TS Treaty Series (up to number 489, a set of official numbers applied by the Department of State to early United States treaties and other international agreements; from number 489 through number 812, a serial publication of treaties and other international agreements in pamphlet form by the Department of State; from number 813, a serial publication of treaties in pamphlet form by the Department of State; this series ceased publication in 1945).

PARALLEL TABLE OF CONGRESSIONAL SESSIONS AND DATES

1789 - 1900

<u>Congress and Session</u>	<u>Date</u>
First	
1st Sess.	Mr 4 - S 29, 1789
2nd Sess.	Ja 4 - Ag 12, 1790
3rd Sess.	D 6, 1790 - Mr 3, 1791
Second	
1st Sess.	O 24, 1791 - My 8, 1792
2nd Sess.	N 5, 1792 - Mr 2, 1793
Third	
1st Sess.	D 2, 1793 - Je 9, 1794
2nd Sess.	N 3, 1794 - Mr 3, 1795
Fourth	
1st Sess.	D 7, 1795 - Je 1, 1796
2nd Sess.	D 5, 1796 - Mr 3, 1797
Fifth	
1st Sess.	My 15, 1797 - Jl 10, 1797
2nd Sess.	N 13, 1797 - Jl 16, 1798
3rd Sess.	D 3, 1798 - Mr 3, 1799
Sixth	
1st Sess.	D 2, 1799 - My 14, 1800
2nd Sess.	N 17, 1800 - Mr 3, 1801
Seventh	
1st Sess.	D 7, 1801 - My 3, 1802
2nd Sess.	D 6, 1802 - Mr 3, 1803
Eighth	
1st Sess.	O 17, 1803 - Mr 27, 1804
2nd Sess.	N 5, 1804 - Mr 3, 1805
Ninth	
1st Sess.	D 2, 1805 - Ap 21, 1806
2nd Sess.	D 1, 1806 - Mr 3, 1807

<u>Congress and Session</u>	<u>Date</u>
Tenth	
First Sess.	O 26, 1807 - Ap 25, 1808
2nd Sess.	N 7, 1808 - Mr 3, 1809
Eleventh	
First Sess.	My 22, 1809 - Je 28, 1809
2nd Sess.	N 27, 1809 - My 1, 1810
3rd Sess.	D 3, 1810 - Mr 3, 1811
Twelfth	
1st Sess.	N 4, 1811 - Jl 6, 1812
2nd Sess.	N 2, 1812 - Mr 3, 1813
Thirteenth	
1st Sess.	My 24, 1813 - Ag 2, 1813
2nd Sess.	D 6, 1813 - Ap 18, 1814
3rd Sess.	S 19, 1814 - Mr 3, 1815
Fourteenth	
1st Sess.	D 4, 1815 - Ap 30, 1816
2nd Sess.	D 2, 1816 - Mr 3, 1817
Fifteenth	
1st Sess.	D 1, 1817 - Ap 20, 1818
2nd Sess.	N 16, 1818 - Mr 3, 1819
Sixteenth	
1st Sess.	D 6, 1819 - My 15, 1820
2nd Sess.	N 13, 1820 - Mr 3, 1821
Seventeenth	
1st Sess.	D 3, 1821 - My 8, 1822
2nd Sess.	D 2, 1822 - Mr 3, 1823
Eighteenth	
1st Sess.	D 1, 1823 - My 27, 1824
2nd Sess.	D 6, 1824 - Mr 3, 1825

<u>Congress and Session</u>	<u>Date</u>
Nineteenth	
1st Sess.	D 5, 1825 - My 22, 1826
2nd Sess.	D 4, 1826 - Mr 3, 1827
Twentieth	
1st Sess.	D 3, 1827 - My 26, 1828
2nd Sess.	D 1, 1828 - Mr 3, 1829
Twenty-first	
1st Sess.	D 7, 1829 - My 31, 1830
2nd Sess.	D 6, 1830 - Mr 3, 1831
Twenty-second	
1st Sess.	D 5, 1831 - Jl 16, 1832
2nd Sess.	D 3, 1832 - Mr 2, 1833
Twenty-third	
1st Sess.	D 2, 1833 - Je 30, 1834
2nd Sess.	D 1, 1834 - Mr 3, 1835
Twenty-fourth	
1st Sess.	D 7, 1835 - Jl 4, 1836
2nd Sess.	D 5, 1836 - Mr 3, 1837
Twenty-fifth	
1st Sess.	S 4, 1837 - O 16, 1837
2nd Sess.	D 4, 1837 - Jl 9, 1838
3rd Sess.	D 3, 1838 - Mr 3, 1839
Twenty-sixth	
1st Sess.	D 2, 1839 - Jl 13, 1840
2nd Sess.	D 7, 1840 - Mr 3, 1841
Twenty-seventh	
1st Sess.	My 31, 1841 - S 13, 1841
2nd Sess.	D 6, 1841 - Ag 31, 1842
3rd Sess.	D 5, 1842 - Mr 3, 1843