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This Week In Congress Radio Address: S.J.R. 1: The Bricker Amendment, 1955 May 11  
Speaker: Senator J. Allen Frear  
Transcribed by: David Cardillo

**[00:00]**

Announcer: The Week in Congress, recorded on May 6<sup>th</sup>, 1955, and played on WDOV on May 11<sup>th</sup>, 1955.

Mr. Kelly: From Washington, DC, transcribed, United States Senator J. Allen Frear reports again to the people of Delaware on current congressional affairs. Ladies and gentlemen, Senator Frear.

Senator Frear: Thank you, Mr. Kelly. One of the most controversial matters of the Eighty-Third Congress, a subject which I discussed frequently during the course of these weekly statements last year, is once again occupying the attention of a Senate committee, and presumably, will be reported to the full Senate before adjournment. I refer to Senate Joint Resolution Number 1, otherwise known as the Bricker Amendment. The purpose of this proposal as expressed through its sponsor and principal supporters is to guarantee that the Federal Constitution is not in any way compromised through international treaties or executive agreements made between the United States and other countries. The Bricker proposal is in the nature of a constitutional amendment, which means, that to become effective, it must be ratified by these several states within seven years of submission to their respective legislatures. SJ Resolution No. 1 states that a provision of a treaty or other international agreement that conflicts with the Federal Constitution or which is not made in pursuance of the Constitution shall not be the supreme law of the land nor have any force or effect. It further provides that a treaty or international agreement shall become effective as internal law in the United States only through legislation. The final portion of the amendment would require the ratification of treaties by a roll call vote in the Senate of the United States. The Bricker Amendment is of tremendous interest to students of Constitutional law, and some of our finest legal minds have been devoted to an intense study of its ramifications. In addition, a great many individuals outside of the legal profession have also become acquainted with the amendment thereby increasing the scope of national attention on it. You will recall that the Bricker Amendment in the last session of Congress failed to pass the Senate by only one vote. Sixty members were recorded in favor of it while thirty-one members were opposed. Thus nearly twice as many senators desired to have the amendment approved. This fell one short of the necessary two-thirds majority which is required to approve a constitutional amendment. The decision of those senators who supported

the resolution was made with the condition that the legislation was necessary to protect the sovereignty of the Constitution. Those against the bill believe, and still do, that the Bricker Amendment, if enacted, would seriously handicap the President and the Secretary of State in their conduct of foreign affairs. It is further argued by this group that the President must have latitude in dealing with international problems and must be free to exercise his judgement in the making of executive agreements without the requirement of specific legislation to implement such decisions. As so often happens in controversial matters, opinions on both sides of the question frequently become charged with emotion with the result that it becomes difficult to intelligently debate the merits of the question on the clear basis of logic and reason. Persons familiar with my own thinking are aware that I have expressed concern from time to time over the possibility that treaties or executive agreements could be approved as the law of the land under authority of some international organizations, such as the United Nations or a similar body. This, in my judgement, would be clearly inimical to our interests as a sovereign nation. By the same token, I do not desire to see the operation of our foreign policy hindered to a degree which would seriously complicate our relations with other sovereign nations. As I have stated many times, the United Nations is, in my opinion, an organization whose basic objectives are good. [05:02] It provides a forum wherein the nations of the world can peacefully discuss their differences and endeavor to solve them without recourse to arms. But it is naïve to assume, in the face of recent history, that the United Nations has yet become an effective instrument in preventing armed conflicts. Whether it will yet achieve that objective is difficult to predict. We surely hope so, but the obvious unfriendly and aggressive intentions of the Soviet Union with its satellites toward this country and our allies makes the acceptance of any formula for a peaceful solution of East – West differences a highly uncertain eventuality. Therefore, any agreements to which this nation is a party that are reached within the framework of the United Nations or other international organization should, I believe, be made only with the clear understanding that they do not supersede, either directly or by implication, the internal authority of our own country as provided by the Federal Constitution. As the Bricker Amendment is discussed in the Judiciary Committee, and when it is later brought before the Senate, I shall, as in the past, try to approach its subject matter with an objective point of view, for I am fully confident that for most people interested in this question on one side or the other are basically desirous of protecting the welfare of this country.

Mr. Kelly:

Thank you, Senator Frear. From the nation's capital, you have heard United States Senator J. Allen Frear in his regular report to the people of Delaware on current congressional affairs. Senator Frear will be heard again next week at this same time, speaking from the Senate Office Building in Washington.

**[End 07:14]**