

Sec. 2—Powers, Duties of the President Cl. 2—Treaties and Appointment of Officers

A different view seemed to underlie the Supreme Court decision in *United States v. Belmont*,⁴⁷⁰ giving domestic effect to the Litvinov Assignment. The Court's opinion by Justice Sutherland built on his *Curtiss-Wright*⁴⁷¹ opinion. A lower court had erred, the Court ruled, in dismissing an action by the United States, as assignee of the Soviet Union, for certain moneys which had once been the property of a Russian metal corporation the assets of which had been appropriated by the Soviet government. The President's act in recognizing the Soviet government, and the accompanying agreements, constituted, said the Justice, an international compact which the President, "as the sole organ" of international relations for the United States, was authorized to enter upon without consulting the Senate. Nor did state laws and policies make any difference in such a situation; while the supremacy of treaties is established by the Constitution in express terms, the same rule holds "in the case of all international compacts and agreements from the very fact that complete power over international affairs is in the National Government and is not and cannot be subject to any curtailment or interference on the part of the several States."⁴⁷²

The Court elaborated on these principles five years later in *United States v. Pink*,⁴⁷³ another case involving the Litvinov Assignment and recognition of the Soviet Government. The question presented was whether the United States was entitled to recover the assets of the New York branch of a Russian insurance company. The company argued that the Soviet Government's decrees of confiscation did not apply to its property in New York and could not apply consistently with the Constitution of the United States and that of New York. The Court, speaking by Justice Douglas, brushed these arguments aside. An official declaration of the Russian government itself settled the question of the extraterritorial operation of the Russian decree of nationalization and was binding on American courts. The power to remove such obstacles to full recognition as settlement of claims of our nationals was "a modest implied power of the President who is the 'sole organ of the Federal Government in the field of international relations' . . . It was the judgment of the political department that full recognition of the Soviet Government required the settlement of outstanding problems including the claims of our nationals. . . . We would usurp the executive function if we held that the decision was not final and conclusive on the courts. . . ."

⁴⁷⁰ 301 U.S. 324 (1937). In *B. Altman & Co. v. United States*, 224 U.S. 583 (1912), the Court had recognized that a jurisdictional statute's reference to a "treaty" encompassed an executive agreement.

⁴⁷¹ *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

⁴⁷² 301 U.S. at 330-31.

⁴⁷³ 315 U.S. 203 (1942).