

Sec. 9—Powers Denied to Congress

Cl. 7—Public Money Appropriations

declared: “The constitutionality of this delegation of authority has never been seriously questioned.”¹⁸⁹⁰

PAYMENT OF CLAIMS

No officer of the Federal Government is authorized to pay a debt due from the United States, whether reduced to judgment or not, without an appropriation for that purpose.¹⁸⁹¹ Nor may a government employee, by erroneous advice to a claimant, bind the United States through equitable estoppel principles to pay a claim for which an appropriation has not been made.¹⁸⁹²

After the Civil War, a number of controversies arose out of attempts by Congress to restrict the payment of the claims of persons who had aided the Rebellion but had thereafter received a pardon from the President. The Supreme Court held that Congress could not prescribe the evidentiary effect of a pardon in a proceeding in the Court of Claims for property confiscated during the Civil War,¹⁸⁹³ but that where the confiscated property had been sold and the proceeds paid into the Treasury, a pardon did not of its own force authorize the restoration of such proceeds.¹⁸⁹⁴ It was within the competence of Congress to declare that the amount due to persons thus pardoned should not be paid out of the Treasury and that no general appropriation should extend to their claims.¹⁸⁹⁵

Clause 8. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

IN GENERAL

In 1871 the Attorney General of the United States ruled that: “A minister of the United States abroad is not prohibited by the Constitution from rendering a friendly service to a foreign power, even that of negotiating a treaty for it, provided he does not become an officer of that power . . . but the acceptance of a formal commission, as minister plenipotentiary, creates an official relation

¹⁸⁹⁰ *Cincinnati Soap Co. v. United States*, 301 U.S. 308, 322 (1937).

¹⁸⁹¹ *Reeside v. Walker*, 52 U.S. (11 How.) 272 (1851).

¹⁸⁹² *OPM v. Richmond*, 496 U.S. 414 (1990).

¹⁸⁹³ *United States v. Klein*, 80 U.S. (13 Wall.) 128 (1872).

¹⁸⁹⁴ *Knote v. United States*, 95 U.S. 149, 154 (1877); *Austin v. United States*, 155 U.S. 417, 427 (1894).

¹⁸⁹⁵ *Hart v. United States*, 118 U.S. 62, 67 (1886).