

The materials included in this research guide are available at the University of Idaho College of Law Library and Main Library.

## Introduction

Treaties are referred to by a variety of names: international agreement, international convention, covenant, protocol, charter, act, declaration, memorandum of understanding, or accord. The Vienna Convention on the Law of Treaties (1969) defines *treaty* as “an international agreement concluded between States in written form and governed by international law...whatever its particular designation.” Treaties can be either *bilateral* (between two parties) or *multilateral* (between several parties). In the United States, in addition to treaties, there also exist *executive agreements*. Unlike treaties, executive agreements are not submitted to the U.S. Senate for approval. Nonetheless, both treaties and executive agreements constitute binding international agreements of the United States.

U.S. treaties have been published in several series. These series are listed below with their abbreviations and years of coverage:

TS - Treaty Series, 1929-1945

EAS - Executive Agreement Series, 1929-1945

Stat - Statutes at Large, 1776-1950

TIAS - Treaties and Other International Acts Series, 1946-date

UST - United States Treaties and Other International Agreements,  
1950-date

UNTS - United Nations Treaty Series, 1944-date

ILM - International Legal Materials, 1962-date

Bevan's - Treaties and Other International Agreements of the United  
States of America, 1776-1949

It is important to use both paper and electronic resources when performing treaty research, especially when looking for the text of a newly ratified treaty. The official sources for U.S. treaties tend to have a considerable lag time in publication, often falling behind by 10 years or more. However, there are a number of electronic treaty resources available on the Internet that provide unofficial copies of newer treaties.

For more detailed information on treaty research the following materials may be helpful.

*Fundamentals of Legal Research 8<sup>th</sup> ed.*

Law Library Reserve KF240 J66

Chapter 20 on “International Law” has a good discussion on U.S. and non-U.S. treaty research.

*Guide to International Legal Research 5<sup>th</sup> ed.*

Law Library Ref. KZ1234 G85

Comprehensive research guide covering primary and secondary sources, practice materials, and country specific resources, both in paper and electronic format. Part II, Chapter B covers treaty resources.

*ASIL Guide to Electronic Resources for International Law: Treaties*

<http://www.asil.org/resource/home.htm>

Detailed research guide to U.S. and non-U.S. treaty research with numerous links to online resources. Part of a larger research guide to international law.

*Researching U.S. Treaties and Agreements*

<http://www.llrx.com/features/ustreaty.htm>

This guide covers both paper and electronic resources used in U.S. treaty research.

Generally, there are three steps to performing treaty research:

1. Finding the text of the treaty or agreement.
2. Determining the treaty’s status (is it still in force).
3. Locating legislative history or cases interpreting a treaty.

## Locating Treaties

*United States Treaty Index, 1776-1990 Consolidation*

Law Library Ref. KZ235 U58 1991

This is the primary index for locating U.S. treaties. Also known as Kavass’ index. Access volumes through treaty number, or chronological, country, and subject indexes. Provides citations to treaty texts in Statutes at Large, UST, TIAS, UNTS, Bevan’s, or ILM, as appropriate. Assigns KAV numbers to treaties released by the Dept. of State but not yet published in TIAS. Supplemented by Revision volumes and semi-annually by the *Current Treaty Index* (Ref. KZ235 C87)

Two other sources that can be used for locating treaties are *Treaties in Force* and *A Guide to the United States Treaties in Force*. These indexes are normally used for verifying the status of treaties, but also provide citations to the text of treaties printed in Statutes at Large, UST, TIAS, UNTS, and other publications. See **Verifying Treaty Status**, below, for a full description of these materials.

### Treaty Sources: Current

*Thomas – Legislative Information on the Internet*

<http://thomas.loc.gov/home/treaties/treaties.htm>

The text of treaties ratified by the Senate beginning with the 104<sup>th</sup> Congress can be found on *Thomas*. Treaties are listed by Congress and treaty number.

*United States Treaties and Other International Agreements (U.S.T.)*

Law Library KZ235.3 U55

The official collection of U.S. treaties and agreements entered into since 1950. This series has a considerable lag time in publication, about 15 years.

*Treaties and Other International Acts Series (T.I.A.S.)*

Law Library KZ235.3 U552

This is the first official publication of U.S. treaties – slip treaties - before they are bound in U.S.T., beginning in 1946. Lag time in publication is about 8 years.

*International Legal Materials (I.L.M.)*

Law Library Periodicals

Bimonthly publication, beginning in 1962. Publishes the full-text of selected U.S. and non-U.S. treaties and some judicial opinions. Often the only print source for recent treaties. Annual subject index in the last volume for each year. Cumulative subject indexes for 1962-1969 and 1970-1979.

### Treaty Sources: Historical

*Avalon Project – Yale Law School*

<http://www.yale.edu/lawweb/avalon/avalon.htm>

The text of selected U.S. treaties can be found on the *Avalon Project* web site. Search under “Major Collections,” “American Diplomacy: Bilateral Treaties 1778-1999” and “American Diplomacy: Multilateral Treaties 1864-1999.” Also under “Major Collections” can be found the text of selected “Treaties Between the United States and Native Americans.” Not an official source.

*Treaties and Other International Agreements of the United States of America, 1776-1949.*

Law Library KZ236 1968

Also known as Bevan's. Reproduces the treaties published in *Statutes at Large*. Vols. 1-4 have the text of multilateral treaties arranged in chronological order by date of signature; vols. 5-12 include bilateral treaties in alphabetical order by country; vol. 13 has a cumulative country and subject index. Not an official source.

*United States Statutes at Large*

Law Library Main Floor Shelf 210

Volumes 8 through 64 contain the official text of treaties and international agreements negotiated between the U.S. and other countries from 1776-1949. Vol. 8 contains all treaties from 1778-1845. Vol. 64 contains a cumulative list of all treaties and agreements for vols. 1-64. Volume 7 contains all treaties entered into by the U.S. and the various Indian tribes between 1778-1845. The first 18 volumes of *Statutes at Large* (1789-1875) are available on the Library of Congress American Memory web site <http://memory.loc.gov/ammem/amlaw/lwsl.html>.

## Verifying Treaty Status

*Thomas - Legislative Information on the Internet*

<http://thomas.loc.gov/home/treaties/treaties.htm>

Complete treaty status information can be found on *Thomas* for treaties issued since the 94<sup>th</sup> Congress; 90<sup>th</sup> - 94<sup>th</sup> some data missing; 81<sup>st</sup> - 89<sup>th</sup> little information. Search by treaty number, word/phrase, or treaty type.

*Treaties in Force*

Law Library Ref. KZ235 T74

An annual publication by the U.S. Department of State. Lists and summarizes bilateral and multilateral treaties still in force as of January 1<sup>st</sup>. Bilateral treaties arranged by country and subject; multilateral treaties arranged by subject. Provides citations to treaty texts in *Statutes at Large*, UST, TIAS, UNTS, Bevan's, or ILM, as appropriate.

--*Treaty Actions*

Since *Treaties in Force* is issued annually, the Dept. of State issued a weekly newsletter called *Dispatch* to act as an update service on bilateral and multilateral treaties. Publication of *Dispatch* ceased in 1999 and was replaced by an online version called *Treaty Actions* ([www.state.gov/s/1/c3428.htm](http://www.state.gov/s/1/c3428.htm)). Online coverage begins in 1997.

*A Guide to the United States Treaties in Force*

Law Library Ref. KZ235 G85

Also known as Kavass' guide. A more detailed index for locating bilateral and multilateral treaties than *Treaties in Force*. Vol. 1 lists treaties according to treaty number (TS, EAS, TIAS, or KAV); vol. 2 by country and subject; vol. 3 in chronological order. Provides citations to Statutes at Large, UST, TIAS, UNTS, Bevan's, and KAV.

*CCH Congressional Index*

Law Library Ref. KF49 C58

Two-volume looseleaf set issued for each Congressional session. The Senate volume contains a section on treaties pending before the Senate, beginning with the 87<sup>th</sup> Congressional session. Provides a brief summary of the treaty with some information on current Senate action.

## Legislative History and Subsequent Treatment

*GPO Access*

<http://www.gpoaccess.gov/serialset/index.html>

The *Congressional Serial Set*, including *Senate Treaty Documents* and *Senate Executive Reports*, can be searched on GPO Access, beginning with the 104<sup>th</sup> Congress.

*U.S. Congressional Serial Set*

Main Library Government Documents Collection Y 1.1/2

Two important publications related to the legislative history of U.S. treaties are reproduced in the *Serial Set: Senate Treaty Documents* and *Senate Executive Reports*. *Senate Treaty Documents* include the text of treaties and supporting documentation. *Senate Executive Reports* include the Senate Foreign Relations Committee analysis and recommendations concerning proposed treaties. Main Library collection begins with vol. 58 - current. Also available on microfiche, vols. 919 - 3636.

*--CIS U.S. Serial Set Index*

Main Library Reference GP 3.7X

Use this index to find references to *Senate Treaty Documents* and *Senate Executive Reports*. Covers the *Serial Set* from 1789-1969.

--*CIS Abstracts/Index/Legislative Histories*

Law Library Ref. KF49 C62

Since 1970, references to both *Senate Treaty Documents* and *Senate Executive Reports* can be found in the *Abstract* volume under the heading, "Senate Committee, Foreign Relations, Executive Reports and Executive Documents."

*Shepard's United States Citations*

Law Library Shepard's Table

Citations to federal cases and amendments can be found in the statute volumes. Pre-1950 treaties are listed by Statutes at Large citation, post-1949 treaties by UST or TIAS citation.

*United States Code Service (USCS)*

Law Library Main Floor Shelf 207

See the volume titled, "Notes to Uncodified Laws and Treaties," for notes and annotations concerning bilateral and multilateral treaties.

## Additional Information

### Practice Digests

Practice digests are treatises providing a comprehensive analysis of U.S. policy regarding international law. Published by the Department of State. Citations to primary and secondary sources are incorporated into the text, rather than through footnotes or endnotes.

*A Digest of International Law of the United States...*

Law Library KZ237 W5 1887

This is the first of the digests issued by the Department of State, also known as Wharton's. Three volumes.

*A Digest of International Law as Embodied in Diplomatic Discussions...*

Law Library KZ237.7 M66 1906a

Also known as Moore's digest. Published in 1906, this is a revised and much expanded version of Wharton's digest, comprising eight volumes.

*Digest of International Law*

Law Library KZ237.7 H32 1975

Also known as Hackworth's digest. This set does not include material covered in Wharton's or Moore's digests, but surveys the period from 1906-1939. Eight volumes.

*Digest of International Law*

Law Library KZ237.7 W49 1963

This 15 volume set began publication in 1963 and ended in 1973; also known as Whiteman's digest. Whiteman's does not include the material covered in Hackworth's digest.

*Digest of United States Practice in International Law*

Law Library KZ21 R68

This series differs from the previous digests in that it does not attempt to give a comprehensive analysis of U.S. international law. Instead, this series issues annual volumes covering all calendar year materials of legal significance. One volume was issued for each year from 1973-1980. A three volume cumulative set was issued for the years 1981-1988. There are no volumes covering the years 1989-1999. The practice of issuing annual volumes resumed in 2000 and is expected to continue.

Restatements

*Restatement of the Law 3rd: The Foreign Relations Law of the United States*

Law Library Reserve KF395 A3F6 1987

Like other restatements, this two-volume set provides "black-letter rules" interpreting U.S. policy in the realm of international law. Notes and Comments provide copious citations to primary sources and secondary literature. Volume 1, part 3, deals specifically with international agreements. Updated by an annual paper supplement.

Special Collections

*U.S. Department of State*

<http://www.state.gov/internl>

There are a number of documents related to arms control and nonproliferation treaties available on the Dept. of State web site. Under "International Topics" see such headings as "Arms Control," "Nonproliferation," "Political-Military Affairs," and "Verification and Compliance."

*Extradition Laws and Treaties of the United States*

Law Library KF9635 E9

A four-volume looseleaf set containing extradition treaties currently in force between the U.S. and other countries. Arranged alphabetically by country name. Volumes 3 and 4 reprint U.S. agreements concerning international judicial assistance in criminal matters.

*Indian Affairs: Laws and Treaties*

Law Library Reserve KF8203 1903

Seven-volume set. Vol. 2 reprints the treaties negotiated between the U.S. and various Indian tribes between 1778-1883. Also known as Kappler's Indian Affairs.

*Tax Treaties*

<http://www.irs.gov/businesses/index.html>

There are a number of tax treaties available on the IRS web site. From the Home page click on "Businesses," then "International Businesses" and "Tax Treaties." Treaties are listed in alphabetical order by country.

*Unperfected Treaties of the United States, 1776-1976*

Law Library KZ236 1976

Nine-volume set. An annotated collection of treaties to which the U.S. was a signatory, but which never went into force.

## Lexis and Westlaw

Lexis and Westlaw offer excellent databases for performing U.S. treaty research. Both databases cover all treaties published in Statutes at Large, UST, TIAS, and ILM; treaties released by the Dept. of State but not yet published in TIAS; the current edition of *Treaties in Force*; and various publications by the American Society of International Law (ASIL). These databases are subscription-only services and require a password for access.

Updated by Michael Greenlee, June 2005