

is made very clear by the debates in the Constitutional Convention.

Speaking upon the Paterson resolutions, Mr. Madison expressed the opinion that they did not go far enough in the general surrender of power to the central government. He said ³:

"Will it prevent the violations of the law of nations and of treaties which, if not prevented, must involve us in the calamities of foreign wars? The tendency of the states to these violations has been manifested in sundry instances. The files of Congress contain complaints already, from almost every nation with which treaties have been formed. Hitherto indulgence has been shown us. This cannot be the permanent disposition of foreign nations. A rupture with other powers is the greatest of calamities. *It ought, therefore, to be effectually provided, that no part of a nation shall have it in its power to bring them on the whole.* The existing Confederacy does not sufficiently provide against this evil. The proposed amendment to its does not supply the omission. It leaves the will of the states as uncontrolled as ever."

Paterson had proposed a resolution creating a federal judiciary with jurisdiction in all cases "in which foreigners may be interested, in the construction of any treaty or treaties," and making such treaties the supreme law of the respective states, in the following language ⁴:

"Resolved, That all acts of the United States in Congress assembled, made by virtue and in pursuance of the powers hereby vested in them, and by the Articles of Confederation, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective states as far as those acts or treaties shall relate to the said states, or their citizens; and that the judiciaries of the several states shall be bound thereby in their decisions, anything in the respective laws of the individual states to the contrary notwithstanding.

"And if any state, or any body of men in any state, shall oppose or prevent the carrying into execution such acts or treaties, the federal executive shall be authorized to call forth the

³ Butler's Treaty-Making Power, Vol. 1, Sec. 177.

⁴ Elliot's Debates, Vol. 1, p. 177.