

ambassadors—entering into treaties and alliances, . . . (Article 9, 1st Paragraph).

No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; . . . (Article 6, 1st Paragraph).

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue. (Article 6, 2d Paragraph.)

In a Federal letter to the States, prepared by John Jay as Secretary of the Department of Foreign Affairs and agreed to in the Congress of the Confederation on April 13, 1787 (Secret Journals of the Acts and Proceedings of Congress, Vol. IV, pp. 329–338), the exclusive character of the treaty-making power vested in Congress was pointed out, together with the action of the States, inconsistent with the grant of the treaty power, and which well-nigh nullified the grant to and the exercise of the power by the Congress. "Let it be remembered," the letter reads, "that the thirteen independent sovereign states have, by express delegation of power, formed and vested in us a general though limited sovereignty for the general and national purposes specified in the confederation."

After quoting the ninth Article, conveying to the Congress "the sole and *exclusive* right and power of determining on war and *peace* and of entering into *treaties* and alliances," and stating that a treaty when constitutionally made, ratified and published by the Congress "immediately becomes binding on the whole nation, and superadded to the laws of the land" and that "no individual state has the right, by legislative acts, to decide and point out the sense in which their particular citizens and courts shall understand this or that article of a treaty," the letter continues that "a contrary doctrine would not only militate against the common and established maxims and ideas relative to this subject, but would prove no less inconvenient in practice than