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IMAGE EVALUATION
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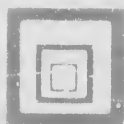
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The President's Message.

ON THE TREATY PAPERS.

CENTINEL OFFICE, April 7, 1796.

A Gentleman this instant arrived from New-York, has favored us with the following highly interesting and magnanimous Communication of
THE PRESIDENT OF THE UNITED STATES,
to the House of Representatives, on Wednesday the 30th ult.

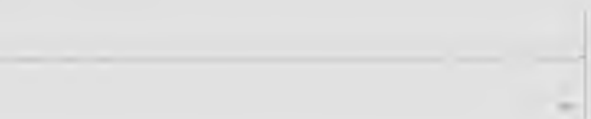
"GENTLEMEN,
"I have with the most attentive I have considered your resolution of the 24th inst. requesting me to lay before your house, a copy of the instructions to the Minister of the United States, who negotiated the treaty with the King of Great-Britain, together with the correspondence and other documents relative to that treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.

"In deliberating on this subject, it was impossible for me to lose sight of the principle which some have avowed in its discussion, or to avoid extending my views to the consequences which must flow from the admission of that principle.

"I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President as a duty to give, or which could be required of him by either house of Congress as a right: and with truth I affirm, that it has been, as it will continue to be while I have the honor to preside in the government, my constant endeavour to harmonize with the other branches thereof, so far as the trust delegated to me by the people of the United States, and my sense of the obligation imposed upon me by the Constitution, to defend the

government to this moment, my conduct has exemplified that opinion, that the power of making treaties is exclusively vested in the President, by and with the advice of the Senate, provided two thirds of the Senators present concur: and that every treaty so made, and promulgated, thence forward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all treaties made with them, we have declared; and they have believed, that when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the constitution, every House of Representatives has heretofore acquiesced, and until the present time, not a doubt or suspicion has appeared to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for until now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

"There is also reason to believe that this construction agrees with the opinions entertained by the State Conventions, when they were deliberating on the constitution; especially by those who objected to it, because there was not required in commercial treaties, the consent of two thirds of the whole Senate, instead of two thirds of the Senators present, and because treaties respecting territorial and certain other rights and claims, required the concurrence of two thirds of the whole Senate of the States.



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could be required of him by either House of Congress as a right; and with truth I affirm that it has been, as it will continue to be while I have the honor to preside in the government, my constant endeavour to harmonize with the other branches thereof, so far as the trust delegated to me by the people of the United States, and my sense of the obligation to my country, will permit.

THE HOUSE OF REPRESENTATIVES

WASHINGTON, MARCH 20, 1796.

Document of the Senate, the principle on which that body was formed, confining it to a small number of members. To admit, then, a right in the House of Representatives, to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign power, would be to establish a dangerous precedent.

"It does not occur, that the inspection of the papers asked for, can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment, which the resolution has not expressed. I repeat, that I have no disposition to withhold any information which the duty of my station will permit, or the public good shall require, to be disclosed; and, in fact,

ALL the PAPERS affecting the Negotiation with *Great-Britain*, were laid before the SENATE, when the Treaty itself was communicated for their consideration and advice.

"The course which the debate has taken, on the resolution of the House, leads to some observations on the mode of making treaties under the Constitution of the United States.

"Having been a member of the General Convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of the

Constitution agrees with the opinions entertained by the State Conventions, when they were deliberating on the Constitution, especially by those who objected to it, because it was not required in *commercial treaties*, the consent of two thirds of the whole Senate, instead of two thirds of the Senators present, and because it was not required respecting territorial and certain other rights and claims. In considering the

Constitution, it is necessary to consider the powers of the Executive and political safety of the United States will be essentially to depend

"If other proofs than these, and the plain sense of the Constitution itself, be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the department of State. In those journals it will appear, that a proposition was made, "that no treaty should be binding on the United States, which was not ratified by a law;" and that the proposition was explicitly rejected.

"As, therefore, it is perfectly clear to my understanding, that the assent of the House of Representatives is not necessary to the validity of a treaty, as the treaty with *Great-Britain* exhibits in itself, all the objects requiring legislative provision, and on which these papers called for can throw no light, and as it is essential to the due administration of the government, that the boundaries fixed by the Constitution, between the different departments should be preserved—a just regard to the Constitution, and to the duty of my office, under all the circumstances of this case, forbid compliance with your request."

Geo. Washington.

United States, March 20, 1796.

This message has been communicated to the whole, by the Secretary.