

## JOINT RESOLUTION ON MEXICAN AFFAIRS.

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JUNE 27, 1864.—Laid on the table and ordered to be printed.

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Mr. HENRY WINTER DAVIS, from the Committee on Foreign Affairs, made the following

## REPORT.

The Committee on Foreign Affairs have examined the correspondence submitted by the President relative to the joint resolution on Mexican affairs with the profound respect to which it is entitled, because of the gravity of its subject and the distinguished source from which it emanated.

They regret that the President should have so widely departed from the usage of constitutional governments as to make a pending resolution of so grave and delicate a character the subject of diplomatic explanations. They regret still more that the President should have thought proper to inform a foreign government of a radical and serious conflict of opinion and jurisdiction between the depositories of the legislative and executive power of the United States.

No expression of deference can make the denial of the right of Congress constitutionally to do what the House did with absolute unanimity, other than derogatory to their dignity.

They learn with surprise that, in the opinion of the President, the form and term of expressing the judgment of the United States on recognizing a monarchical government imposed on a neighboring republic is a "purely executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States."

This assumption is equally novel and inadmissible. No President has ever claimed such an exclusive authority. No Congress can ever permit its expression to pass without dissent.

It is certain that the Constitution nowhere confers such authority on the President.

The precedents\* of recognition, sufficiently numerous in this revolutionary era, do not countenance this view; and if there be one not inconsistent with it, the committee have not found it.

All questions of recognition have heretofore been debated and considered as grave questions of national policy, on which the will of the people should be expressed in Congress assembled; and the President, as the proper medium of foreign intercourse, has executed that will. If he has ever anticipated its expression, we have not found the case.

The declaration and establishment of the independence of the Spanish American colonies first brought the question of recognition of new governments or nations before the government of the United States; and the precedents then set have been followed ever since, even by the present administration.

The correspondence now before us is the first attempt to depart from that usage, and deny the nation a controlling deliberative voice in regulating its foreign policy.

The following are the chief precedents on recognition of new governments, and the policy of the United States government on that topic:

On the 9th of February, 1821, Henry Clay moved in the House of Representatives to amend the appropriation bill by the following clause:

"For an outfit, and one year's salary, to such minister as the President, by and with the consent of the Senate, may send to any government of South America, which has established and is maintaining its independency on Spain, a sum not exceeding \$18,000." It failed.

On the 10th of February, he moved that the House of Representatives participate with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America, which are struggling for their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces.

A motion to amend by the proviso "that this resolution shall not be construed to interfere with the independent exercise of the treaty-making power," and another, "that the House approves of the course heretofore pursued by the President of the United States with regard to the said provinces," were negatived.

The resolution was adopted, and a committee appointed to lay it before President Monroe.

The committee, on the 17th February, reported—

"That the President assured the committee that, in common with the people of the United States and the House of Representatives, he felt great interest in the success of the provinces of Spanish America, which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration, with the most perfect respect for the distinguished body from which it had emanated."

So the House of Representatives took the initiative towards recognizing the new republics. The amendment to the appropriation bill would have been a legislative recognition. The resolution was a formal statement of the opinion of the House to the President, which he did not think beyond their constitutional authority.

At the first session of the next Congress the House of Representatives, on motion of Mr. Nelson, of Virginia, resolved—

"That the President of the United States be requested to lay before this house such communications as may be in the possession of the executive, from the agents of the United States with the governments south of the United States, which have declared their independence, and the communications from the agents of such governments in the United States with the Secretary of State, as tend to show the political condition of those governments, and the state of the war between them and Spain, as it may be consistent with the public interest to communicate."

President Monroe answered the application on the 8th of March in an elaborate message, of which the following extracts sufficiently show that he did not think recognition "a purely executive question," and that the decision of it constitutionally belongs, "not to the House of Representatives, nor even to Congress, but to the President of the United States:"

"In transmitting to the House of Representatives the documents called for by the resolution of that house of the 30th of January, I consider it *my duty* to invite the attention of Congress to a very important subject, and to communicate the sentiments of the executive on it; that should Congress entertain similar sentiments, there may be such co-operation between the two departments of the government as their respective rights and duties may require."

"This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration, whether their right to the rank of independent nations, with all

the advantage incident to it in their intercourse with the United States, is not complete."

After narrating the events, he proceeds :

"When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted."

"When we regard, then, the great length of time which the war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized."

"*In proposing this measure*, it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties."

"*The measure is proposed* under a thorough conviction that it is in strict accord with the law of nations, and that the United States owe it to their position and character in the world, as well as to their essential interests, to adopt it."

"Should Congress concur *in the view herein presented*, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect."

It is quite apparent that President Monroe was far from countenancing the opinion that the form and time in which the United States would think it necessary to express themselves on the policy of the recognition is a purely executive question, and that he did not think the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States, to the exclusion of Congress. Had he so thought, he would have refused the production of the papers, as President Washington did the diplomatic instructions relative to the English treaty.

He would have announced his purpose to recognize the republics, and left it to Congress to provide for diplomatic intercourse with them.

Far from that, he proposes for their consideration the policy of recognition; and, if they concur in *that*, asks them to make the necessary appropriations to carry *it* into effect.

He consulted the *will* of the nation at the mouth of Congress, and proposed to concur in its execution.

So Congress understood him, for the papers and message were referred to the Committee on Foreign Affairs. That committee considered, in an elaborate report, the question of independence of the republics, the policy and principles involved in their recognition, and on the 19th of March, 1822, they submitted it to the House. It concluded as follows:

"Your committee having thus considered the subject referred to them in all its aspects, are *unanimously* of opinion that it is *just and expedient* to acknowledge the *independence of the several nations of Spanish America* without any reference to the diversity in the form of their governments; and in accordance with this opinion they respectfully submit the following resolutions:

"*Resolved*, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, *ought to be recognized by the United States* as independent nations.

"*Resolved*, That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding \$100,000 *to enable the President to give due effect to such recognition.*"

It is, therefore, equally apparent that the House of Representatives of the 17th Congress was clearly of opinion with President Monroe that the question of recognition was not purely executive, but that it constitutionally belongs to Congress as well as to the President; that the legislature declares the will of

the United States which the executive gives effect to—each concurring in the act of recognition according to their respective constitutional functions.

In obedience to that resolution the following bill, recognizing the new nation, was reported and passed and approved on the 4th of May, 1822:

“That for such missions to the *independent nations on the American continent* as the President may deem proper, there be, and hereby is, appropriated a sum not exceeding \$100,000, to be paid out of any money in the treasury not otherwise appropriated.”

The approval of that law completed the recognition of the new nations. The sending ministers to some or all of them was matter of executive discretion, not at all essential to or connected with the fact of recognition. Ministers were appointed to Mexico, Colombia, Buenos Ayres, and Chili, on the 27th of January, 1823. None was appointed to Peru till May, 1826; yet it is certain Peru was as much recognized by the United States as the other governments from the 4th of May, 1822.

This great precedent has governed all that follow it.

The acknowledgment of the independence of Texas stands next in our history. It is a most instructive precedent, strictly following the forms observed respecting the governments of Spanish America.

On the 18th of June, 1836, on the motion of Henry Clay, the Senate adopted the resolution—

“That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.”

The House of Representatives, on the 4th of July, 1836, adopted a resolution in the same words; and added a second:

“That the House of Representatives perceive with satisfaction that the President of the United States has adopted measures to ascertain the political, military, and civil condition of Texas.”—(Congressional Globe, 1st session 24th Congress, pp. 453, 486.)

Those resolutions were not formal acknowledgments of a government of Texas; the report of the Senate committee showed the circumstances were not sufficiently known; and both Senate and House awaited further information at the hands of the President.

On the 2d December, while communicating the information, President Jackson accepted the occasion to express to Congress his opinion on the subject. The following passages are very instructive, touching the authority to recognize new States:

“Nor has any deliberative inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of recognizing a new State; a power, the exercise of which is equivalent, under some circumstances, to a declaration of *war*; a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to *Congress*, in that given to the President and Senate to form treaties and to appoint ambassadors and other public ministers, and in that conferred on the President to receive ministers from foreign nations.”

“In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognizing the independence of Texas should be *left to the decision of Congress*. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, think it necessary to express any opinion as to the strict constitutional right of the executive, either apart from, or in conjunction with, the Senate over the subject. *It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the executive and legislature in the exercise of the power of recognition.* It will always be considered consistent with the spirit of the Con-

*stitution and most safe* that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union, and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guarantee to all other countries, of the justice and prudence of the measures which ought to be adopted."

After forcibly stating why he thought "we should still stand aloof," he closed with the following declaration :

"Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress should differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation ; with the assurance that, during the short time which I shall continue connected with the government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country."

The concurrent resolutions of the Senate and House of Representatives, and that message of President Jackson, leave no doubt that the views which presided over the recognition of the South American governments still prevailed, and that the President was as far from asserting as Congress from admitting that the recognition of new nations and the foreign policy of the United States is a purely executive question.

The independence of Texas was finally recognized in pursuance of the following enactment in the appropriation bill of the second session of the twenty-fourth Congress, which appropriated money,—

"For the outfit and salary of a diplomatic agent to be sent to the *republic of Texas*, whenever the President of the United States may receive satisfactory evidence that Texas is an independent power, and shall deem it expedient to appoint such minister."—(5 Statutes, 170.)

That law was approved by President Jackson.

Not only is this exclusive assumption without countenance in the early history of the republic, but it is irreconcilable with the most solemn acts of the present administration. The independence of Hayti is nearly as old as that of the United States ; it antedated that of the South American republics, and the republic of Liberia has long been recognized by European nations. Both were first recognized by act of Congress, approved by President Lincoln on the 5th of July, 1862, which enacted—

"That the President of the United States be, and he is hereby, *authorized*, by and with the advice and consent of the Senate, to appoint diplomatic representatives of the United States to the *republics of Hayti and Liberia* respectively. Each of the representatives so appointed shall be accredited as commissioner and consul general, and shall receive the compensation of commissioners," &c., &c.

That was a formal recognition of those republics by *law*, whether the President sent diplomatic representatives or not.

Quite in the spirit of these precedents is the well-considered language of the Supreme Court :

"Those questions which respect the rights of a part of a foreign empire which asserts and is contending for its independence, belong more properly to those who can declare what the law shall be, who can place the nation in such a position with respect to foreign powers as to their own judgment shall appear wise, to whom are intrusted its foreign relations, than to that tribunal whose power as well as duty is confined to the application of the rule which the legislature may prescribe for it."



But the joint resolution of the 4th of April does more than declare the refusal of the United States to recognize a monarchical usurpation in Mexico. It declares a general rule of policy, which can be authentically and authoritatively expressed only by the body charged with the legislative power of the United States.

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States are unwilling, by silence, to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the republic of Mexico; and they, therefore, think fit to declare that it does not accord with the policy of the United States to acknowledge a monarchical government erected on the ruins of any republican government in America, under the auspices of any European power."*

The committee are of opinion that this authority, to speak in the name of the United States, has never, before the correspondence in question, been considered a purely executive function.

The most remarkable declaration of this kind in our history, which events seem now likely to make of as grave practical interest as when it was uttered, is President Monroe's declaration in his message of the 2d December, 1823:

*"With the governments which have declared their independence and maintained it, and whose independence we have, often great consideration and on just principles acknowledged, we could not view any interposition, for the purpose of oppressing them or controlling in any other manner their destiny by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States."*

But though always the accurate expression of the feelings of the American people, it was not regarded as the settled policy of the nation, because not formally declared by Congress. By the administration of President John Quincy Adams, which followed, it was treated as merely an executive expression on behalf of the people, which Congress alone could elevate to the dignity of a national policy by its formal adoption.

In 1826 Mr. Poinsett, the minister to Mexico, having used language supposed to commit the United States to that policy in behalf of Mexico, a resolution was promptly introduced into the House of Representatives and adopted on the 27th of March, 1826—

*"That the Committee on Foreign Affairs inquire and report to this house upon what authority, if any, the minister of the United States to the Mexican republic, in his official character, declared to the plenipotentiary of that government that the United States have pledged themselves not to permit any other power than Spain to interfere either with their (the South American republics) independence, or form of government," &c., &c.—(2 Cong. Deb., 19th Con., 1st sess., p. 1820.)*

Mr. Poinsett hastened to explain by his letter of the 6th of May, 1826, to Henry Clay, then Secretary of State:

*"I cannot rest satisfied without stating explicitly that, in the observations I made during my conference with the Mexican plenipotentiaries, I alluded only to the message of the President of the United States to Congress in 1823.*

*"That message, declared, in my opinion, by the soundest policy, has been regarded both in Europe and America as a solemn declaration of the views and intentions of the Executive of the United States, and I have always considered that declaration as a pledge, so far forth as the language of the President can pledge the nation, to defend the new American republics from the attacks of any of the powers of Europe other than Spain. That the people of the United States are not bound by any declarations of the Executive is known and understood as well in Mexico, where the government is modelled on our own political institutions, as in the United States themselves. But in order to correct any erroneous impressions these words might have made on the minds of the Mexican*

plenipotentiaries, I explained to them in the course of our conference this morning their precise meaning: that the declaration of Mr. Monroe in his message of 1823, to which I had alluded, indicated only the course of policy the Executive of the United States was disposed to pursue towards these countries, *but was not binding on the nation unless sanctioned by the Congress of the United States*; and when I spoke of the United States having pledged themselves not to permit any other power than Spain to interfere with the independence or form of government of the American republics, I meant only to allude to the above-cited declaration of the President of the United States in his message of 1823, and to nothing more."

This explanation is the more significant from the fact that Mr. Clay's instructions to Mr. Poinsett directed him to bring to the notice of the Mexican government the message of the late President of the United States to their Congress on the 2d of December, 1823, asserting certain important principles of intercontinental law in the relations of Europe and America; and, after stating and enlarging on them, Mr. Clay proceeds: "Both principles were laid down after much and anxious deliberation on the part of the late administration. *The President, who then formed a part of it, continues entirely to coincide in both*, and you will urge upon the government of Mexico the propriety and expediency of asserting the same principles on all proper occasions."

And in reply to the resolution of inquiry of the 27th of March, Mr. Clay accompanied his instructions with the declaration—entirely in the spirit of Mr. Poinsett's letter—"that the United States have contracted no engagement, *nor made any pledge* to the governments of Mexico and South America, or either of them, that the United States would not permit the interference of any foreign power with the independence or form of government of those nations. \* \* \*

"If, indeed, an attempt by force had been made by allied Europe to subvert the liberties of the southern nations on this continent, and to erect *upon the ruins of their free institutions monarchical systems*, the people of the United States would have stood pledged, *in the opinion of the Executive*, not to any foreign state, but to themselves and their posterity, by their dearest interests and highest duties, to resist to the utmost such attempt; and it is to a pledge of that character that Mr. Poinsett above refers."—(2 Cong. Debates, 19th Congress, 1st session, App. 83, 84.)

Such were the views of the administration of President John Quincy Adams, whose Secretary of State was Henry Clay, and whose minister to Mexico was Mr. Poinsett, upon the supremacy of the legislature in declaring the foreign policy of the United States, the diplomatic execution and conduct of which is confided to the President.

It is impossible to condense the elaborate message of President Adams of the 15th of March, 1826, dedicated to persuading Congress to concur in and sanction the Panama mission; but that message and the great debate which consumed the session in both houses are unmeaning on the assumptions of this correspondence with the French government; and the consideration and approval of its recommendations elevate President Monroe's declaration to the dignity and authority of the policy of the nation solemnly and legally proclaimed by Congress.

That message was in reply to a resolution requesting the President to inform the House of Representatives "in regard to what objects the agents of the United States are expected to take part in the deliberations of that congress"—of Panama.

Among other subjects of deliberation, the President enumerated the declaration of President Monroe above quoted, and on that topic said:

"Most of the new American republics have declared their entire assent to them; and they now propose, among the subjects of consideration at Panama, to take into consideration the means of *making effectual* the assertion of that

principle, as well as the *means of resisting interference from abroad* with the domestic concerns of the American governments.

"In alluding to these means, it would obviously be premature at this time to anticipate that which is offered merely as matter for consultation, or to pronounce upon those measures which have been or may be suggested. The purpose of this government is to concur in none which would import hostility to Europe, or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact, to maintain the principle in application to its own territory, and to permit no colonial lodgments or establishments of European jurisdiction upon its own soil; and with respect to the obtrusive interference from abroad, if the future character may be inferred from that which has been, and perhaps still is, exercised in more than one of the new States, a joint declaration of its character and exposure of it to the world would be probably all that the occasion would require.

"Whether the United States should or should not be parties to such a declaration may justly form a part of the deliberation. That there is an evil to be remedied needs little insight into the secret history of late years to know, and that this remedy may best be considered at the Panama meeting, deserves at least the experiment of consideration."

Upon this message, after elaborate debates, Congress passed in May an appropriation "for carrying into effect the appointment of a mission to the congress of Panama;" and the President, by and with the advice and consent of the Senate, appointed ministers to that congress, and furnished them with instructions in conformity with the message, and in execution of the policy approved by Congress.

Accident and delays prevented the arrival of our mission before the dissolution of the congress; but President Adams thought the gravity of the precedent justified him in communicating to Congress, in 1829, Mr. Clay's instructions to the ministers for our information; and the precedent remains, forever to vindicate the authority of Congress to declare and present the foreign policy of the United States.

The great name of Daniel Webster is justly considered authoritative on any question of constitutional power; and in that debate, when the enemies of the administration strove to insert *particular instructions* to the diplomatic agents sent to *that congress*, he clearly defined the limits of executive and congressional authority, in declaring the policy and conducting the negotiations to effectuate it.

On the 4th of April, 1826, he is reported to have said in the House of Representatives:

"He would ask two questions: First, Does not the Constitution vest the power of the Executive in the President? Second, Is not the giving of instructions to ministers abroad an exercise of Executive power? Why should we take this responsibility on ourselves? He denied that the President had devolved, or could devolve, his own constitutional responsibility, or any part of it, on this house. The President had sent this subject to the House for its concurrence, by voting the necessary appropriation. Beyond this the House was not called on to act. We might refuse the appropriation if we saw fit, but we had not the power to make our vote conditional, and to attach instructions to it.

"There was a way, indeed, in which this house might express its opinion in regard to foreign politics. That is by resolution. He agreed entirely with the gentleman that, if the House were of opinion that a wrong course was given to our foreign relations, it ought to say so, and say so by some measure that should affect the whole, and not a part, of our diplomatic intercourse. It ought to control all missions, and not one only.



"There was no reason why the ministers to Panama should act under these restrictions that did not equally apply to other diplomatic agents—for example, to our minister at Colombia, Mexico, or other new states. A resolution expressive of the sense of the House would, on the contrary, lead to instructions to be given to them all. *A resolution was, therefore, the regular mode of proceeding.* We saw, for instance, looking at these documents, that our government had declared to some of the governments of Europe, perhaps it has declared to all the principal powers, that we could not consent to the transfer of Cuba to any European power. No doubt the Executive government can maintain that ground only so long as it receives the approbation and support of Congress. If Congress be of opinion that this course of policy is wrong, then he agreed it was in the power, and, he thought, indeed, the duty of *Congress* to interfere and to express dissent. If the amendment now offered prevailed, the declarations so distinctly made on this point could not be reported, under any circumstances, at Panama; but they might, nevertheless, be reported anywhere and everywhere else. Therefore, if we dissent from this opinion, that dissent should be declared by resolution, and that would change the whole course of our diplomatic correspondence on that subject in all places. If any gentleman thinks, therefore, that we ought to take no measure, under any circumstances, to prevent the transfer of Cuba into the hands of any government, European or American, let him bring forward his resolution to that effect. If it should pass, it will effectually prevent the repetition of such declarations as have been made."—(2 Cong. Debates, 19th Congress, 1st session, pp. 2021, 2022.)

This view is, in the opinion of the committee, at once the just view and the traditional practice of the government; the will of the people expressed in legislative form by the legislative power can declare authoritatively the foreign policy of the nation; to the President is committed the diplomatic measures for effecting it.

The constitutional authority of Congress over the foreign relations of the United States can hardly be considered an open question, after the concurrent resolutions of Mr. Senator Sumner, adopted in the last Congress, it is believed, at the suggestion, certainly with the approval of the President, and by him officially notified to foreign governments, as the most authentic and authoritative expression of the national will respecting intervention, mediation, and every other form of foreign intrusion into the domestic struggle in the United States.

The committee are not inclined to discuss theoretical questions of relative power. The Constitution is a practical, and not a theoretical instrument. It has been administered and construed by men of practical sagacity, and in their hands the voice of the people has been heard authoritatively in the executive chamber, on the conduct of foreign affairs.

But this correspondence requires us to say, that in view of the historic precedents, it is not a purely executive question whether the United States would think it necessary to express themselves in the form adopted by the House of Representatives at this time; it does belong to Congress to declare and decide on the foreign policy of the United States, and it is the duty of the President to give effect to that policy by means of the diplomatic negotiations, or military power if it be authorized.

The President is not less bound to execute the national will expressed by law in its foreign than in its domestic concerns.

The President appoints all officers of the United States, but their duties are regulated, not by his will, but by law. He is the commander of the army and navy, but he has no power to use it except when the law points out the occasion and the object. He appoints foreign ministers, but neither in this case are they, by reason of their appointment, anything but the ministers of the law. If it be true that the appointment of an ambassador to a nation implies the recognition

of the nation, it is just as sound logic to argue that none can be appointed to a nation that does not exist by the recognition of Congress, as that the President can recognize alone, because he can appoint.

But we prefer to waive the question. We are anxious not to depart from the approved precedents of our history. Our desire is to preserve, not to change. We will not inquire what would be the effect of a recognition of a new nation by the President against the will of Congress. We prefer to indulge the hope, so wisely expressed by President Jackson, that "it is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and legislature in the exercise of the power of recognition."

Hitherto new nations, new powers, have always been recognized upon consultation and concurrence of the executive and legislative departments, and on the most important occasions by and in pursuance of law in the particular cases.

Changes of the person or dynasty of rulers of recognized powers, which created no new power, have not been treated always with the same formality; but usually the general law providing for diplomatic intercourse with the power whose internal administration had changed remained on the statute book and conferred a plenary discretion on the President, under the sanction of which he has accredited ministers to the new possessors of power. It is not known that hitherto the President has ever undertaken to recognize a new nation or a new power not before known to the history of the world, and not before acknowledged by the United States, without the previous authority of Congress.

It is peculiarly unfortunate that the new view of the executive authority should have been announced to a foreign government, the tendency of which was to diminish the force and effect of the legislative expression of what is admitted to be the unanimous sentiment of the people of the United States, by denying the authority of Congress to pronounce it.

Of the prudence of that expression at this time Congress is the best and only judge under the forms of the Constitution, and the President has no right to influence it otherwise than in the constitutional expression of his assent or his dissent when presented to him for his consideration.

It is vain to suppose that such a declaration increases the danger of war with France. The Emperor of the French will make war on the United States when it suits his convenience, and it can be done without danger to his dynastic interests. Till then, in the absence of wrong or insult on our part, there will be no war. When that time arrives we shall have war, no matter how meek, inoffensive, or pusillanimous our conduct may be, for our sin is our freedom and our power, and the only safety of monarchical, imperial, aristocratic, or despotic *rule*, lies in our failure or our overthrow.

It postpones the inevitable day to be ready and powerful at home, and to express our resolution not to recognize acts of violence to republican neighbors on our borders perpetrated to our injury. That declaration will encourage the republicans of America, to resist and endure, and not to submit. It is not perceived how an attack on the United States can promote the establishment of a monarch in Mexico. It might seriously injure us, but it would be an additional obstacle to the accomplishment of that enterprise. It is fortunate that events in Europe, in great measure, embarrass any further warlike enterprise on this continent, and the ruler who has not thought fit to mingle in the strife of Poland or Schleswig-Holstein will hardly venture to provoke a war with the United States.

The committee are content to bide their time, confident in the fortune and fortitude of the American people, but resolved not to encourage by a weak silence complications with foreign powers inimical to our greatness and safety, which, in the words of Mr. Webster, "a firm and timely assertion of what we hold to be our own rights and our own interests would strongly tend to avert."

The committee recommend the adoption of the following resolution :

*Resolved,* That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States, as well in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy, not less in diplomatic negotiations than in the use of the national force when authorized by law; and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

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