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## CONGRESS.

### *HOUSE OF REPRESENTATIVES.*

DEBATE *on a call for information relative to the state of our foreign relations.*

THURSDAY FEBRUARY 18.

The committee of the whole having just reported the bill to raise an additional army,

Mr. VAN DYKE submitted the following resolution, which the House agreed to consider, Ayes 55:

*Resolved*, That the President of the United States be requested to communicate to this House such information touching our foreign relations as he may deem consistent with the public interest, the better to enable this House to judge how far the military establishment of the U. S. ought to be increased.

Mr. VAN DYKE said it would be recollected that the President, in his message to Congress had given reason to believe that he would in the course of the session lay before them information relating to this very subject. A negociation was now going on; in what situation it was impossible to say. We know nothing of it as legislators, said he, for certainly we as legislators cannot act on the rumors which are afloat. There ought to be a communication between the Chief Magistrate and the Representatives of the union when employed in public business. The Chief Magistrate cannot find himself embarrassed by this resolution; it is couched in terms which leave him at liberty to communicate that information, or withhold it; it is not my wish to extract from the cabinet a single syllable which would affect the negociations, but when bills of this kind are brought before us, it must be desirable to every man anxious to discharge his duty to know what can be known on this important subject. I therefore hope the House who are now acting blindfold as to the subject of foreign relations, will request the Executive to give us such information as can be communicated, to enable us to judge of the expediency of increasing our military establishment.

Mr. DAWSON hoped the resolution would not be agreed to. Under the constitution which it is the duty of the President to obey, he is directed to give to this House whenever he shall think proper, information relative to the matters within our cognizance. Had the gentleman from Delaware read the last message from the President on the subject of foreign affairs, he would have there found "Nothing shall be wanting on my part which may give information or dispatch to the proceedings of the legislature in the exercise of their high duties at a moment so interesting to the public welfare." This assurance was made when we first convened and in this I place entire confidence.—Whenever the public good requires, a disclosure will be made: I have no doubt at all times and in every point which it is his duty to inform the House that he will make communication. In my judgment it would at this time be improper to make the communication which the gentleman calls for. If there be any subject which requires Executive secrecy, it is the negociation now pending. Does the gentleman desire that the President should say I wish to raise 50 or 100,000 men? Would not this shew the state of the negociation, and would it not have an ill effect? At any time when any thing shall occur which shall require a decisive act, no doubt communication will be made.

Mr. ELLIOT said he differed radically with the gentleman from Virginia. He thought this the most proper time that could have been selected for calling upon the President of the U. S. for information respecting our foreign relations. Was there ever a time, said Mr. E. when a crisis of such moment amid circumstances so inauspicious and ominous as those which now encircle us, could render information more desirable? Can there ever be such a time, when this House shall have less information than at this time on the subject of our relations with foreign powers? Are we never to be permitted to pierce this impenetrable veil which has so long covered our political prospect with thick and dark clouds? Shall not a solitary ray of light wander through the gloom? I hope we are not much longer to remain in darkness. I hope the Representatives of the American people, and the people themselves are, at no very distant day, to know how our foreign relations not only now stand, but how they have been conducted for several years past. Over our relations with Spain and France, notwithstanding their extremely delicate character, a cloud as dark as ever covered the political atmosphere of any republic has long been suspended. All we know is, that dreadful is the prospect, and that "shadows, clouds and darkness rest upon it."

But the reason why it is said this is so inauspicious a time is, because a negociation is going on between the government of the U. S. and an envoy extraordinary from the government of G. Britain; because a negociation is going on at the seat of government with one of the three great powers of Europe with whom our relations are so interesting, we are not to call for information on the subject of our foreign relations generally. If I understand the resolution now under consideration it is a call for a general view of our situation; it calls for such information respecting our foreign relations as the President shall deem it consistent with the public interest to communicate. Is it possible that at any moment whatever a request of that kind can be objected to? Can there be a time when it could be liable to the least objection? Every gentleman knows that we have not the power to coerce information; our power is limited to the request. As the President's message has been alluded to, I will observe that we are told in his message that important information will soon be communicated—and none of any consequence has yet been communicated. When I say that no information of consequence has been communicated, I would be understood to say none of consequence, when compared with the immense mass which the Executive must possess—compared with those volumes of documents which every man within these walls knows that the Executive does possess, nothing has been stated to us. Do gentlemen who object to this resolution recollect that this House as a branch of the national legislature, is entrusted with the most important, most awful power that can be confided to any department of any government, the power to declare war.

At the commencement of this session members on this floor, highly respected for their political talents, venerable for their political experience, members, at least one of them, second to none in political service, told us that they considered that we were already actually in a state of war. I differed from them. I did not believe we were in a state of war—nor do I believe that we are now; but every one knows that there is a prospect, nay, a great probability of war, and Congress alone can prepare for the event. The measure now under consideration (the bill for raising an additional army) and which appears to have led to this resolution calling for information, is certainly a measure of a warlike aspect. Do we want an additional army, if we have no prospect of war? We have distinct bills for an addition to the peace establishment and for a provisional army. It appears to me then that we ought to know, as far as we can with propriety, what is the prospect, in the most extensive view of it.

In the message of the President of the United States at the commencement of the present session, of our differences with Spain he says they "remain still unsettled; no measure having been taken on her part, since my last communications, to bring them to a close. But under a state of things which may favor reconsideration, they have been recently pressed, and an expectation is entertained that they may soon be brought to an issue of some sort."

We have no information on this subject; but if we may judge from what has heretofore taken place, we must expect war with Spain. She has once invaded our territory; in consequence of an agreement with our commander in chief the invaders retired; and we are now told no measures have since that time been taken to bring our differences with her to a close. Spain felt herself authorised to take possession of a portion of our territory, and since that time no concession has been made which can give us the least assurance that she has abandoned the claim or that she may not soon reassert it.

As it respects the same power we are told, "To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree which professes to be conformable to that of the French government of Nov. 21, 1806, heretofore communicated to Congress, will also be conformed to that in its construction and application in relation to the United States, had not been ascertained at the date of our last communications. These however gave reason to expect such a conformity." It was intimated that there was reason to expect that that decree would be conformed to the French decree; and I believe it was a very reasonable expectation that there should be a perfect conformity in the decrees of the French and Spanish governments. We now know what is the real construction of the French decree, and we know it to be tantamount to a declaration of war, but we chuse not to consider it in that point of light.

France has declared war against America, and America does not chuse to declare that a state of war exists between the two powers. The treaty between this country and France stipulates that we shall enjoy free commerce; the decree says we shall have no commerce. France therefore has broken the treaty, and we may with propriety consider ourselves at war with France if it should be thought prudent to do so. The same remark does not apply to the late decrees of G. Britain, because there exists no commercial treaty between the U. S. and G. Britain.

"Whether a regular army is to be raised and to what extent depends on the information so shortly expected." Here is an explicit declaration by the President that the raising of an army and the extent of it must depend on information to be received. We have received information that the decree of the French government is to be literally executed; but we have not supposed it necessary to raise an army in consequence of the determination of that government to execute it. Further information then is contemplated as a matter of contingency on which depends the consideration of the question whether we shall have a regular army or not. So extremely interesting is the state of our foreign relations in general; so perfectly convinced am I, and so must be all the members of this House, that the Executive is in possession of information of the state of our foreign relations with France and Spain, and that a portion of it ought to be exhibited to that branch of the government which must prepare for and declare war, if we have war; and so far convinced am I of our incompetency to pass that judgment upon the state of foreign relations which our duty requires, and to pursue those measures necessary to be pursued, that I do most cordially approve of the motion made by the gentleman from Delaware. If no other objection than what has been offered can be pointed out, it ought to be adopted. The existing negociation cannot operate as an objection; because the President is not bound to communicate any thing which he may think proper to conceal. If this does not constitute an objection, there can be none.

We are told because the President has said that nothing shall be wanting on his part that it is not proper to call for information. This is to me a very strange argument; and nothing can be more hostile to the principles of a free government, than the deliberate assumption of such a position. Is our government indeed a government of confidence? It may not indeed be as it has has been called, a government of suspicion, but it is certainly not a government of unlimited confidence. The constitution has said that the President shall from time to time communicate such information as he deems proper, and has thus made him the judge of what is proper for communication; but practice has long established the principle that the House of Representatives have a right to request information whenever they chuse to ask it. If therefore there is nothing in the present state of things which forbid this resolution, I cannot see why it should be objected to. I disclaim the unbounded confidence professed by the gentleman from Virginia; I disclaim it as a friend to the rights of the American people, and as one of those entrusted by them in a crisis of great danger to take care of their great political interests, the real state of which they are not themselves permitted to know. In disclaiming unbounded confidence, I make no personal discrimination. Were Washington at the head of the government, I would disclaim it as I now do. The days of Washington, indeed, are past; but principles remain the same. Whoever is placed at the head of the government on him I shall not hesitate to call to communicate such information as he may think proper. When I say however that in disclaiming this unbounded confidence I make no personal application, I wish it to be distinctly understood that I have no extraordinary degree of confidence in the present administration—*extraordinary*. I repeat; I have a confidence that it is pursuing what it deems the interest of the nation—but I am *not* so confident that its conduct is consonant to the dictates of a sound judgement. It is impossible, however, to form a correct opinion on the subject. All is conjecture. Information is wanted. It may appear that the administration is pursuing the most wise course; and if so, it is certainly desirable to remove all suspicion from the public mind.

Mr. LYON made some observations in favor of the resolution; in the course of his observations, remarking that many stories had be circulated of French influence respecting the embargo; so that if for no other reason this resolution ought to be adopted because it would operate an economy of lies.

Mr. M. CLAY moved that the resolution lie on the table. It was not improper but premature. He was of the same opinion as to the bill under consideration to-day (additional army)—rather premature.

Mr. COOK said he wanted information. Was there any thing indicative of war? Did they fear immediate war? No; they did not. And after all that had taken place, he wished to know whether they were to have peace or war.

Mr. VAN HORNE was opposed to the resolution at this time, and was also determined not to vote for the bill this day under consideration (additional army) till he had information. This was an improper time however to ask it. It must be known, said he, that we are waiting for information and that the state of events has prevented its being communicated. What are we now to do? We are told that the advocates of the resolution do not want improper information. The information called for is with a view directly expressed, to enable us to act on a war measure. What must the President say? If he recommends the raising of troops, or to the contrary, it shews his opinion with respect to the pending negociation, and such an opinion the President may not wish to advance. It is the duty of the President to communicate information at such times as the public good may require it. He knows that we want information. He has expressly told us nothing shall be wanting on his part to give dispatch to our proceedings at a moment so interesting to the public welfare. What more could he have said? Does any man doubt that he will give us information when it is necessary to act. Then if it be necessary in his opinion that an army shall be raised, that will be a moment in which it will be proper for him to communicate information. And till that time I shall not vote either for increasing the peace establishment or for raising an army. I will not act without information; and I would not be understood as willing to raise twelve or fifteen thousand men without being satisfied that they are necessary. And I hope the bill will not be called up till we have information on which we can be satisfied whether or not it is necessary to raise an army.

Mr. BACON said that as the proposition now before the House did not seem to him to be one which necessarily involved in it any question of political or personal confidence in the chief magistrate of the [illegible] he could not think that it was [illegible] for him to seize upon the [illegible] the purpose of declaring wh[illegible] entertained that confidence [illegible] pecially when he consid[illegible] however important it migh[illegible] the opinions of some other [illegible] in the House should in th[illegible] known, and they had on [illegible] undoubtedly supposed th[illegible] discharging a high and [illegible] in explicitly declaring t[illegible] with regard to himse[illegible] ter of too little consideratio[illegible] with the House or the nation [illegible] fy him in stepping aside fr[illegible] for the purpose of proclaiming h[illegible] dividual confidence, or expressi[illegible] distrust of the Executive magi[illegible] Whatever his personal partiali[illegible] aversions in that respect might be, he could not perceive the necessity of calling them into action for the purpose of enabling him to decide the question now before the house; and in giving his vote in the negative, he felt that he should stand justified in it merely by that constitutional confidence which as a member of one branch of the government, he might be supposed to entertain towards another branch, and that was all which on this occasion he thought it necessary to express. It is provided, said he, in the 2d article and 3d section of the constitution "that the President shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." In the performance of this duty he is undoubtedly entrusted with a discretionary power for the due and proper exercise of which he is fully responsible. If he is possessed of any information which might have an important bearing on our measures and deliberations, and which the public interest does not for the present require him to keep secret, and he notwithstanding fails to communicate it, & the public service thereby sustains injury, he is undoubtedly as much responsible for that neglect of duty, as he would be for recommending to our consideration measures which were improper and detrimental to the country, and if for want of that information which we ought to have had, we fail to adopt those measures which the public safety requires, this House are in no wise responsible for it, it rests altogether with him. Mr. B. remarked that this general view of his constitutional powers and duties was particularly applicable to that sort of information which he might be supposed to possess in relation to our relations to foreign powers, and to any existing negociations which might be pending between us and them; that as the Executive alone could be supposed to know what the peculiar state of those relations were, so he alone could correctly judge how far, and when it was proper to give them publicity. The President, said Mr. B. having in substance told us at the commencement of the session, that any future measures must depend upon the events which might turn up thereafter, and which would in proper time be made known to us, we had a right to to suppose that no further information on those subjects, which it was proper at this time to make known, was in his possession, beyond what had already been communicated in the course of the session. Whether what we were already possessed of was sufficient to justify any particular measure which might from any quarter be submitted to the House, every member would judge for himself, being responsible for his conduct and his vote no further than the information which was laid before him justified; it certainly is not our duty to remind the Executive, that it is at all times, and more particularly in the present critical crisis of our affairs, incumbent on him to furnish us with every light that he possibly can, consistent with the public convenience, and a regard to pending negociations with foreign powers; and I repeat it, that for the proper, faithful, and fair discharge of this duty, the Executive alone is responsible to the nation, and it is not for either of the other branches of the government to assume a responsibility which does not constitutionally belong to them. Mr. B. said he was not therefore for doing it, although he probably felt as much curiosity as other gentlemen to know exactly how