

23rd Cong
1st Sess

Message
from the President of
the United States, pro-
testing against certain
proceedings of the
Senate &c —

1834, April 17th read &
motion that it be not received —

" May 7th decided not
to be entered on the Journal —

(X)

"bribery, or other high crimes and misdemeanors".
 That the House of Representatives "shall have
 the sole power of impeachment" - That the
 Senate "shall have the sole power to try
 all impeachments" - That "when sitting
 for that purpose they shall be on oath or
 affirmation" - That "when the President of the
 United States is tried, the Chief Justice shall
 preside" - That "no person shall be convicted
 without the concurrence of two thirds of the
 members present" - and that "impeachment shall
 not extend further than to removal from
 office, and disqualification to hold and enjoy
 any office of honor, trust, or profit, under the
 United States".

The resolution above quoted, shews

in substance, that in certain proceedings relating to the public revenue, the President has assumed authority and power not conferred upon him by the Constitution and laws, and that in doing so he violated both. Any such act constitutes a high crime, one of the highest indeed which the President can commit - a crime which justly exposes him to impeachment by the House of Representatives, and upon due conviction to removal from office and to the complete and immutable disfranchisement prescribed by the Constitution. The resolution, then, was, in substance, an impeachment of the President; and in its passage amounts to a declaration by a majority of the

Senate, that he is guilty of an impeachable offence. As such it is spread upon the journals of the Senate; published to the nation and to the world; - made part of our enduring archives, - and incorporated in the history of the age.

The punishment of removal from office and future disqualification, does not, it is true, follow this decision; nor would it have followed the like decision, if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result.

But the moral influence of a solemn declaration, by a majority of the Senate, that the accused is guilty of the offence charged upon him, has been as effectually secured, as if the like declaration had been made upon an impeachment captured in the same terms. Indeed a

greater practical effect has been gained, because the votes given for the resolution, tho' not sufficient to authorize a judgement of guilt on an impeachment, were numerous enough to carry that resolution.

* That the resolution does not expressly allege that the assumption of power and authority which it condemns, was intentional and corrupt, is no answer to the preceding view of its character and effect. The act thus condemned, necessarily implies volition and design in the individual to whom it is imputed, and being unlawful in its character, the legal conclusion is, that it was prompted by improper motives and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the constitution.

citizens, to the world, and to all posterity, I
respectfully request that this message and
motest, may be entered at length on the
journals of the Senate

Andrew Jackson

April 15th 1834