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

1834, April 17. read a
motion that it be not received—
May 7. decided not
to be entered on the Journal.
"...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, Harris.
in substance, that in certain proceedings relating to the public revenue, the President has usurped authority and power not confided 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 irremovable disavouchment 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, doubtless, it is true,
would follow this decision; nor would it have
followed the like decision if the regular forms
of proceeding had been pursued; because the
accusation 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 impeach-
ment expounded in the same terms. Indeed a
greater practical effect had been gained, because
the votes given for the resolution, tho' not
insufficient to authorize a judgment of guilty
on an impeachment, were numerous enough
to carry that resolution.

That the resolution does not exactly
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 consti-
citizens, to the world, and to all hosts, I respectfully request that this, my speech and
motion, may be entered at length on the
journals of the Senate.

Andrew Jackson

April 15th, 1834