Cassius I: To Richard Henry Lee, Esquire
Virginia Independent Chronicle, 2 April 1788 (excerpt)

. . . You say, "that the president and the senate having the power of making treaties, which are to be considered, as the laws of the land, is highly dangerous." Do you, sir, really think, that this power, *thus* exercised, can be productive of any dangerous consequence? But, why do I ask this question? A mind, which delights, like yours, to indulge itself in *political reveries*, is capable of conceiving any idea, however absurd, and being startled by any danger, however visionary. You cannot but know, sir, that the power of making treaties is safely exercised in other countries, by the executive authority alone, and that the treaties, when made, become the laws of the land. Have you not read, that this power is given to the executive authority alone by the British government, and that the treaties, when made, are pronounced to be the supreme laws of the land?[(a)] Do you not know, that in *Massachusetts*, their court determined, that the definitive treaty of peace, between America and Great Britain, superseded the laws of *that* state, which forbid suing for British debts, and of consequence, was considered by *that* state, as the supreme law of the land.[1] Of these circumstances, you cannot, sir, be ignorant. Stand forth, then, *thou deliberate deceiver* of the people, and answer, without equivocation or disguise, the following interrogatories. Has not the power of making treaties been, always, considered, as a part of the executive? Do you not, sincerely, believe, that the concurrence of the senate with the president, in the execution of this power is a happy innovation in the fœderal constitution? Will it not afford a *strong additional security* to the people for its faithful performance? Do you not conceive it to be one of the *loveliest features* of the new constitution? *My God!* can it be possible, that there is a man existing who, at this awful period, and on such a solemn occasion, is capable of publicly avowing opinions, which are calculated, only to mislead? Have you vainly supposed, sir, that the good people of this country were destitute of both spirit and understanding? If you do, you will permit me, sir, to inform you, as I am not personally your enemy, that we have reason to understand, and spirit to resent. . . .

(a) *3d Burrows*, 1481—*Lord Mansfield*—"*What was the rule of decision: the act of parliament, or the law of nations: Lord Talbot declared a clear opinion, that the law of nations, in its full extent, was part of the law of England.*"

4th Burrows, 2016, *Lord Mansfield*, "*the privileges of public ministers and their retinue depend upon the law of nations, which is part of the common law of England. And the act of parliament of* 7 Ann, C. 12,—*did not intend to alter, nor can alter the law of nations.*[”]

If an act of parliament cannot alter the laws of nations, then, so far, as it is opposed to the compliance with the treaty, it is void; and therefore all treaties, when made, by the proper powers, are the supreme laws of the land.

1. On 30 April 1787 the Massachusetts General Court, acceding to Congress' request of 13 April, passed an act repealing all Massachusetts acts or parts of acts that were "repugnant to the Treaty of Peace" of 1783. The act further stated that "the Courts of law and equity within this Commonwealth, be, and they hereby are directed and required in all causes and questions cognizable by them respectively, and arising from, or touching the said Treaty, to decide and adjudge according to the tenor, true intent and meaning of the same; any thing in the said acts, or parts of acts, to the contrary thereof, in any wise notwithstanding."

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