

The Avalon Project  *at Yale Law School*

***George Washington - Message to the Senate of September 17,
1789 Regarding Treaties with Native Americans***

September 17, 1789.

Gentlemen of the Senate.

It doubtless is important that all treaties and compacts formed by the United States with other nations, whether civilized or not, should be made with caution and executed with fidelity.

It is said to be the general understanding and practice of nations, as a check on the mistakes and indiscretions of ministers or commissioners, not to consider any treaty negotiated and signed by such officers as final and conclusive until ratified by the sovereign or government from whom they derive their powers. This practice has been adopted by the United States respecting their treaties with European nations, and I am inclined to think it would be advisable to observe it in the conduct of our treaties with the Indians; for though such treaties, being on their part made by their chiefs or rulers, need not be ratified by them, yet, being formed on our part by the agency of subordinate officers, it seems to be both prudent and reasonable that their acts should not be binding on the nation until approved and ratified by the Government. It strikes me that this point should be well considered and settled, so that our national proceedings in this respect may become uniform and be directed by fixed and stable principles.

The treaties with certain Indian nations, which were laid before you with my message of the 25th May last, suggested two questions to my mind, viz: First, whether those treaties were to be considered as perfected and consequently as obligatory without being ratified. If not, then secondly, whether both or either, and which, of them ought to be ratified. On these questions I request your opinion and advice.

You have, indeed, advised me "*to execute and enjoin an observance of*" the **treaty with the Wyandottes**, etc. You, gentlemen, doubtless intended to be clear and explicit, and yet, without further explanation, I fear I may misunderstand your meaning, for if by my *executing* that treaty you mean that I should make it (in a more particular and immediate manner than it now is) the act of Government, then it follows that I am to ratify it. If you mean by my *executing it* that I am to see that it be carried into effect and operation, then I am led to conclude either that you consider it as being perfect and obligatory in its present state, and therefore to be executed and observed, or that you consider it as to derive its completion and obligation from the silent approbation and ratification which my proclamation may be construed to imply. Although I am inclined to think

that the latter is your intention, yet it certainly is best that all doubts respecting it be removed.

Permit me to observe that it will be proper for me to be informed of your sentiments relative to the treaty with the Six Nations previous to the departure of the governor of the Western territory, and therefore I recommend it to your early consideration.

G^o WASHINGTON

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